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# Illinois Issues

*A publication of the University of Illinois at Springfield*

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## Pipe dream?

States try to snuff out meth on their own



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**Everybody talks about it,  
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In truth, we want — no, we need —  
to know.

Though fewer Illinoisans farm for  
a living than in generations past, this



temperatures in winter have dropped a  
stunning 67 degrees, from 57 degrees  
Fahrenheit to minus 10 degrees.

The *Atlas* encompasses the last  
century or so, admittedly a small sliver

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Peggy Boyer Long



## Everybody talks about it, real weather geeks look it up

by Peggy Boyer Long

**W**e knew it was hot. But forget the TV weather guy's comparisons to last summer's heat index, or even the summer's before that. Try telling the neighbors we're living in one of the warmest periods of the past 100,000 years.

We've had good reason to think about the weather this year. But the scientists over at the Illinois State Water Survey in Champaign tend to think much longer term, and they've concluded it's warmer by 7 degrees to 8 degrees Fahrenheit than the last stage of the ice age that ended 11,000 years ago.

What they know, and the astounding amount of data they've helpfully crammed between the covers of their *Climate Atlas of Illinois*, will be important in the long run to other scientists, economists and government planners.

And useful in the short run to the rest of us. That nugget about the Pleistocene Epoch, for instance, could be dropped casually into the mix next time someone asks, "How hot is it?"

In truth, we want — no, we need — to know.

Though fewer Illinoisans farm for a living than in generations past, this

state's economy is still very much calibrated to the climate. And though Doppler radar has outstripped reliance on the weather vane, the thermometer and the rain gauge, we are culturally conditioned to keep an eye on the horizon.

---

### Climate Atlas of Illinois

by Stanley A. Changnon,  
James R. Angel, Kenneth E. Kunkel  
and Christopher M.B. Lehmann

*Illinois State Water Survey*  
March 2004

Photograph by Stanley A. Changnon from Climate Atlas of Illinois



There's lots to see. What a shape shifter the Illinois climate is. It's changeable *and* extreme. The weather swings from season to season and year to year, more so from epoch to epoch.

No wonder everybody talks about it. No wonder some of us keep track.

"No other state has such extensive data and information about its climate," survey Chief Derek Winstanley writes in his preface to the *Atlas*. That information, he notes, has been gathered over decades from the "archives of individual research projects, long-term environmental monitoring programs, regulatory databases, and scientific reports."

We know, the *Atlas* informs us, that the record high Illinois temperature was reported in the summer of 1954. That the record cold temperature was recorded in 1999. And that the greatest change in a 24-hour period occurred January 18-19, 1996, at Princeville in Peoria County. We can amaze friends by citing the historical record: The temperature in Princeville dropped a stunning 67 degrees, from 57 degrees Fahrenheit to minus 10 degrees.

The *Atlas* encompasses the last century or so, admittedly a small sliver

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of Illinois' past, but it includes droughts and floods, sleet and snow, thunder, lightning and tornadoes. One hundred years of nature's wrath.

Looking ahead is trickier. "Model projections of temperature change for Illinois by the end of the 21st Century vary from a warming of about 4°F to more than 10°F," the authors write. "For reference, the warmest year of the 20th Century (1921) was about 4°F above average."

Then they add this: "Most models project that the average year at the end of the 21st Century will be as warm or warmer than the warmest year experienced in the 20th Century."

## Celebrations

*Illinois Issues* won three first place awards and a second place award for magazine journalism at the annual conference of capitolbeat, the Association of Capitol Reporters and Editors.

The awards, given last month in Seattle, recognize excellence in state government reporting.

Pat Guinane, the magazine's Statehouse bureau chief, won the top honor for in-depth magazine reporting for his investigation into the Blagojevich Administration's practice of contracting out government work. The main article in that investigation, "Public work, private gain," appeared in the February issue.

Guinane also won first place in the single report category for his article on the politics of guns. "Under lock and key" appeared in the September 2004 issue.

And he won second place for magazine column writing. We can't be too disappointed about that, though. First place in magazine column writing went to longtime *Illinois Issues* columnist Charles N. Wheeler III.

Charlie's hard to beat. He won the top award last year, too.

The Association of Capitol Reporters and Editors, now called capitolbeat, is

Just imagine the heat index.

Pinpointing the causes of this change is trickier still. The authors — Stanley Changnon, James Angel, Kenneth Kunkel and Christopher Lehmann — do touch on the touchy politics of climate, but more along the lines of either/or. Some scientists, they write, cite global warming, thought to be the result of human activity. Others argue normal fluctuations.

But if the *Atlas* is cautious about the future, it leaves little unsaid about the past. We should have an answer next time someone asks, "How hot is it?" □

Peggy Boyer Long can be reached at [peggyboy@aol.com](mailto:peggyboy@aol.com).



an organization of journalists who cover Statehouses throughout the nation.

• • •

Mark your calendars. On Friday, September 30, *Illinois Issues* will host a luncheon at the Union League Club in Chicago to honor the magazine's 30th Anniversary.

For the past three decades, *Illinois Issues* has published in-depth reporting and thoughtful analysis on state government and politics. And we plan to use this opportunity to explore some of the policy challenges Illinois could face in the coming decades.

Former Gov. Jim Edgar, a member of *Illinois Issues*' advisory board, will serve as moderator of a panel discussion on the state's future.

The panelists will be Illinois Attorney General Lisa Madigan, a Chicago Democrat; Illinois House Republican Leader Tom Cross of Oswego; state Sen. James Clayborne Jr., a Belleville Democrat; and state Rep. Susana Mendoza, a Chicago Democrat.

This discussion should be informative and fun. Tickets are \$60 for individuals and \$450 for a table of eight. (See our back cover for additional details.)

But plan to get your reservation in early. Simply return the card enclosed in this issue. □



# Illinois Issues

A publication of the University of Illinois at Springfield

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*Patrick J. Guinane*



## **Policy could take a back seat as Democrats unite for a common goal: re-election**

by Pat Guinane

**T**he State Fair has passed by, and with it went the partisan pep rallies that kicked off another campaign season.

Republicans spoke of rebuilding and revitalizing, while Democrats talked unity, a nod to their current stranglehold on state government. They control the Illinois House and Senate, both U.S. Senate seats and the offices of governor, lieutenant governor, attorney general, secretary of state and comptroller.

That makes for a crowded dais. And, as Gov. Rod Blagojevich said in his State Fair speech, the Democrats' three-year reign has not been conflict-free. A budget standoff between House Speaker Michael Madigan and the governor last year led to the longest overtime session in state history. Blagojevich also brashly questioned the autonomy of Attorney General Lisa Madigan, the speaker's daughter.

And that was just one summer — and one official. Now, Lisa Madigan is investigating links between state contracts and Blagojevich campaign contributors. The governor also has had dustups with the comptroller, the secretary of state and the legislature as a whole. Remember the "spending like drunken sailors" comment?

Such acrimony was nowhere to be found on this year's State Fair political stump. If this unity congeals, the coming months could be a lot less interesting.

Despite their often public, sometimes petty squabbles, Illinois Democrats have used their power over the legislative and executive branches to achieve a sizable slice of their agenda. They increased the \$5.15 minimum wage to \$6.50 an hour and blocked a federal rollback of overtime rules. They enacted an equal pay law designed to end gender-based wage discrimination, gave unions more leverage on state construction projects and extended health insurance to 324,000 low-income children and their parents.

And, though it took two years and some lame-duck votes, the Democrats added sexual orientation to the state's anti-discrimination laws. In doing so, they ended a decades-old push to protect the public from landlords, employers and businesses that might not rent to, hire or serve someone they believe to be a homosexual.

On these issues, the Democrats have used their power to effect change. Unity has been there when they needed it. This spring, they agreed to push \$2.3 billion in required state pension contributions past the November election. Using that money to plug holes in these next two fiscal years should help stave off some infighting.

Likewise, a sense of unity, however forced, in this campaign season could push some policy issues out of the limelight and into post-election plans. On these initiatives, the fruits of

Democrats' labors have yet to mature.

Stem cell research, for instance, was a minor blip on the Illinois political radar three years ago. Now it's one of the most divisive issues on the national stage. And state Democrats, including Comptroller Dan Hynes and state Sen. Jeff Schoenberg of Evanston, want Illinois to nurture the nascent science.

As with abortion, embryonic stem cell research forces debate over the beginning and end of life. Unlike abortion, stem cell research sometimes transcends partisan politics. Illinois House Minority Leader Tom Cross, a fairly moderate Republican from Oswego, is a staunch supporter of embryonic stem cell research. On the national level, U.S. Senate Majority Leader Bill Frist, a conservative Tennessee Republican, recently declared his support for such research. That put him on the same page as two-thirds of Americans, at least according to a June ABC News poll of 1,022 adults.

But in the Illinois General Assembly, Frist would be on the losing side of this issue. For the past two years, lawmakers have stymied efforts to support embryonic stem cell research, with the strongest resistance coming from Republicans and conservative Democrats in the state Senate.

So, in May, Blagojevich, Speaker Madigan and Senate President Emil Jones, all Chicago Democrats,



surreptitiously tucked \$10 million in stem cell research grants into the state budget. That's a drop in the bucket of what supporters say is needed, but they acknowledge it's a start. However, if poll numbers and conservatives like Frist continue to support stem cell research, perhaps the Democrat-controlled legislature eventually will come around.

It probably won't happen this year. Comptroller Hynes can run for re-election on the \$10 million in start-up money without forcing the legislature to take a vote. Then Madigan and Jones won't have to force downstate Democrats to take a vote supporting stem cell research that might sink their own re-election efforts.

These are the same districts where the two parties grapple over guns. In fact, stem cell research, gay rights and guns are all issues that test geographic lines as much, or more, than partisan principles.

Allocating stem cell research dollars and signing the human rights bill will get Blagojevich high praise in Chicago, but he and the rest of his party would prefer those moves don't get mentioned in rural downstate Illinois. The same goes for gun-control efforts.

In Congress, and as a state legislator, Blagojevich pushed for numerous gun-control measures. But he put no muscle behind similar efforts during his first two years as governor. This spring, however, Blagojevich helped secure the votes for a measure requiring criminal background checks on buyers at gun shows. A few minor gun-control bills were approved, as well, but closing the gun-show loophole was a major accomplishment.

Don't expect an encore next spring. Gun-control measures tend to stall in a pre-election session. If that holds true, one major initiative in four years would earn Democrats a poor grade in Chicago, a city besieged by gun violence. But the relative stalemate on firearm legislation might add up to a passing grade statewide.



*The unity shtick was pretty thick during Democrats' day at the State Fair. Sticking to the script, House Speaker Michael Madigan, chairman of the Illinois Democratic Party, delivered an introduction that lasted all of 15 seconds.*

Meanwhile, after three years of Democratic rule, hundreds of Illinois school districts are still flunking their annual fiscal exams.

Blagojevich and fellow Democrats boosted school funding by nearly \$1.1 billion over the past three years. But they largely have sidestepped the more fundamental question of funding equity.

The gulf between rich and poor districts grew by \$4,000 per student during the 2003-04 school year, according to a *Chicago Tribune* analysis of the state's most recent financial data.

The richest district — in suburban Lake County — shelled out \$23,800 per student, nearly six times the \$4,440 spent per pupil by the poorest district — in north central Tazewell County.

These districts rely on disparate property tax receipts. And Illinois relies on property taxes to fund nearly two-thirds of all elementary and secondary education spending.

So, while Blagojevich, Madigan and Jones have steered at least \$325 million in new money into the classroom in each of the past three years, state government still picks up only 30 percent of the overall education tab.

Blagojevich wants nothing to do with the income tax hike it would take to topple the current school finance system. Senate President Jones, however, expressed support this spring for legislation that would have increased the personal income tax rate from 3 percent to 5 percent along with a

corresponding corporate tax hike.

The measure made it out of committee but never received a floor vote.

It's hard to envision anyone in Democratic leadership pushing a 67 percent income tax hike in an election year. After all, Madigan and Jones just signed on as co-chairs of the governor's campaign committee. And the unity shtick was pretty thick during Democrats' day at the State Fair.

Sticking to the script,

Speaker Madigan, chairman of the Illinois Democratic Party, delivered an introduction that lasted all of 15 seconds. In contrast, President Jones boastfully promised to secure "a veto-proof Senate," which would mean toppling at least four GOP candidates next fall. Even a normally demure Hynes got into the act, trumpeting the Democratic ticket by poking fun at Republicans, who are waiting to see whether former Gov. Jim Edgar will take another shot at the executive office. There was little mention of discord until Blagojevich stood to speak.

"There isn't a Democrat on this stage or probably a Democrat in this audience that at one point or another I didn't have some disagreements with," Blagojevich said. "What brings us together at the end of the day is [that] we are joined by a common purpose to use government as a vehicle to help people."

Some initiatives, including school funding reforms, won't get a ride in that vehicle anytime before the November general election.

And let's face it, Democrats would need several tow trucks to move all the initiatives their constituents want. But these next 14 months will be about keeping control of state government so they can continue their work in the post-election future. That's the idea behind their decision to defer \$2.3 billion in pension payments this spring, too. Mostly, they'll be pushing unity in this long campaign season. □



# BRIEFLY

## SOYBEAN REPORT NO WATER, NO RUST

Asian soybean rust turned out to be a non-issue this year. But Illinois farmers still lost yield to their age-old nemesis: drought.

Tropical storms that might have spread rust spores north into Illinois along with rain mostly veered eastward, saving farmers the cost of fungicide but leaving plants thirsty. The federal government in July declared the state an agricultural disaster area, making farmers eligible for loans and other federal assistance.

But the hot, dry weather is not conducive to fungal growth and that reduced the threat of yield losses from Asian soybean rust. By mid-August, most of the soybean crop was mature enough not to be affected. Asian soybean rust attacks plant leaves, causing them to drop before pods can form and fill.

Nevertheless, in early August, researchers at the University of Illinois at Urbana-Champaign reported they had found four

*Photograph courtesy of the U.S. Department of Agriculture*



“rust-like” spores in Champaign County traps in late July, but it wasn’t a large enough sample to confirm them to be Asian soybean rust.

“We do not have the technology yet to determine if the spores are soybean rust or some other rust fungus,” says Linda Kull, coordinator of soybean production research for the U of I’s National Soybean Research Laboratory.

The lab advised farmers not to spend money on fungicides. Until the disease attacks soybean plants within a 200-mile radius of a field, she says, spraying fungicide would be an unnecessary cost, ranging from \$10 to \$35 per acre. Kull did advise farmers, particularly those who planted late beans, to continue walking

their fields twice weekly looking for signs of rust until soybean pods are filled and begin to dry down.

By mid-August, soybean rust had been found in five states: Alabama, Florida, Georgia, Mississippi and South Carolina.

*Beverley Scobell*

## STEM CELLS

### Governor gets funds for research without say from lawmakers

They couldn’t convince their colleagues, but supporters of embryonic stem cell research have reason to celebrate. Illinois will become the fourth state to fund the nascent science, thanks to \$10 million slipped into the state budget.

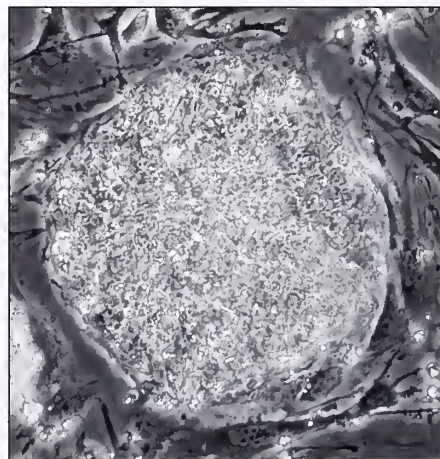
Rank-and-file lawmakers say they didn’t know the money was there.

The General Assembly has rejected embryonic research the past two years.

This spring, Comptroller Dan Hynes, a Chicago Democrat, pitched a \$1 billion ballot initiative asking voters to support a decade of stem cell research grants. But the legislature didn’t give the public a chance to weigh in.

Instead, the state’s top Democrats used the budget process to bypass lawmakers and voters. In July, Gov. Rod Blagojevich signed an executive order steering \$10 million toward adult and embryonic stem cell research. Research on embryonic stem

*Photograph courtesy of the University of Wisconsin-Madison*



*This colony of human embryonic stem cells is being studied in developmental biologist James Thomson’s research lab at the University of Wisconsin-Madison. It has been magnified by 20 times.*

cells is contentious because it uses embryos developed from eggs fertilized at in vitro fertilization clinics. Such embryos are taken from donors who no longer plan to use them.

This issue often spills into an abortion-rights debate, one reason the legislature has yet to find middle ground.

Hynes called Blagojevich’s executive order a “down payment on hope” for those stricken with diabetes, Alzheimer’s and other diseases for which stem cells may hold a cure.

Illinois joins California, New Jersey and Wisconsin on the list of states that have stepped in to fill a vacuum created by President George W. Bush’s opposition to expanding federal funding of embryonic stem cell research (see *Illinois Issues*, March, page 22).

“Will \$10 million make a difference?

I don’t know. I’d like to think so,” says House Minority Leader Tom Cross, the state’s top Republican supporter of stem cell research. “We’d like to see more and I’d like to see [the federal government] do more, but \$10 million is a good start.” *Pat Guinane*

**For updated news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>**



## GOVERNOR'S ACTION

*Gov. Rod Blagojevich traversed the parched state several times this summer, drawing attention to some of the major policy initiatives he signed into law.*

*He trumpeted his attempt to protect children from violent and sexually explicit video games. And he highlighted workers' compensation reforms.*

### Smoking

Towns across Illinois can clear the air in bars, restaurants and other public places now that the governor has signed legislation allowing local smoking bans. It takes effect in January. Previously, fewer than two dozen communities could enact smoking rules stricter than state law.

### Guns

Buyers at gun shows now will be subject to background checks under a new law long sought by gun-control groups. Supporters say the measure should make gun trafficking more difficult.

Gov. Blagojevich also vetoed three measures backed by the gun-rights lobby. One would have eliminated a state database of gun buyers in exchange for closing the gun-show loophole. Another would have allowed gun owners to trade rifles for handguns without observing a waiting period. A third would have overridden strict local laws on transporting firearms.

### Nurses

The governor signed a handful of measures intended to alleviate a state nursing shortage. Illinois has eliminated a pre-test exam for foreign nurses. And nurses from Puerto Rico will be able to work under the supervision of licensed nurses while they seek state certification.

Another new law bans mandatory overtime for nurses, a move aimed at improving patient safety.

### Video games

Retailers could face fines of up to \$1,000 for selling or renting violent and sexually explicit video games to minors beginning in January. Retail groups are challenging the constitutionality of the Safe Games Illinois Act, one of Gov. Blagojevich's most vaunted legislative efforts.

### Foreign trade

State officials hope to boost foreign trade opportunities through the creation of a not-for-profit corporation. The new Illinois Global Partnership will be governed by a 14-member board. The concept was supported by House Speaker Michael Madigan, a Chicago Democrat. All four legislative leaders will serve on the panel, as will state agency directors and others appointed by the governor. Members won't receive salaries.

### Predatory lending

Some Cook County home buyers will see additional safeguards against predatory lenders under legislation pushed by Speaker Madigan. Starting next year, the state will scrutinize pending loans for areas of Cook County with the highest foreclosure rates. If a contract contains potentially abusive terms, such as high interest rates or excessive penalties, the borrower must attend credit counseling paid for by the lender.

The governor signed the legislation at a foreclosed home near Madigan's southwest Chicago district. Last year, two zip codes in that area had more than 900 foreclosures, Madigan said.

### Workers' compensation

The Illinois workers' compensation system received its first major tune-up in two decades. The new law increases benefits for injured workers, creates a fraud investigation unit and expands the commission that hears worker claims. It also dictates how much doctors can charge to treat various on-the-job injuries.

### Landfills

Gov. Blagojevich signed legislation designed to shut down illegal dumps. The measure also prohibits relatives of state officials from having financial interests in landfills. That fueled a family feud with Chicago Ald. Dick Mell, Blagojevich's father-in-law.

Last winter, Blagojevich heard that a distant relative on Mell's side might have been accepting illegal construction debris at a Joliet landfill. The state temporarily shuttered the site.

The new law gives the state greater authority to close sites accepting construction debris without permits, which officials say should stop dumping at a 90-foot tall debris pile in Ford Heights, one of Chicago's poorest suburbs. The town was getting \$5 per truckload and the dump operator promised to eventually turn the mound of bricks, concrete and dirt into a ski hill and recreation site.

### Drivers

Teen drivers must park their cell phones and make sure their passengers buckle up under a pair of new state laws. The first threatens a \$79 fine for new drivers who gab while driving on a learner's permit. The second requires drivers under 18 to ensure that their teen passengers wear seatbelts in the front and back seats. It takes effect in January.

Dashboard entertainment takes a back seat under a third law enacted this summer. It's now illegal for video screens, whether for TV, movies or computer applications, to be in view of the driver. This does not apply to in-vehicle navigation systems.

### Sex offenders

Sex offenders can no longer live together and some may be monitored for life under a series of laws enacted this summer. Illinois became the 14th state to prescribe lifetime supervision for sex offenders.

### Human rights

The governor signed legislation creating the Amistad Commission, a cooperative effort between the Illinois Historic Preservation Agency and the State Board of Education. The goal is to improve education and awareness of slavery and the African slave trade.

Another new law signed this summer prohibits investment in Sudan until the war-torn country puts an end to human rights abuses. State pension systems are divesting \$1 billion in investments made with 32 companies working in Sudan.

*Pat Guinane*

## CONTRACT WATCH



### Public relations

For the third time in little over a year, a Chicago PR firm has won state work without having to compete. State agencies have steered more than \$284,000 in no-bid deals to Beaman Public Relations Inc. since June 2004.

This summer, the Illinois Department of Human Services hired Beaman to produce videos encouraging co-parenting and stressing the "importance of fathers in their children's lives." The videos, which comport with a pro-marriage initiative pushed by President George W. Bush, will be shown in state welfare offices, says Human Services spokesman Tom

Green. The contract falls just below the \$20,000 threshold for competitive bids.

The same goes for a \$19,500 contract Beaman got to promote a toll-free complaint hotline run by the Illinois Department of Public Health. That pact was finalized in January.

And in July 2004, Beaman received a three-month contract on an emergency basis from the Illinois Department of Transportation. That department hired Beaman for \$150,000 to help with public relations for the reconstruction of the Dan Ryan and Kingery expressways. The deal came after the department grew dissatisfied with another PR firm hired through a competitive bid.

In January, IDOT increased Beaman's contract to \$245,438.

A few months later, Beaman received \$350,000 in subcontracting work from the Illinois Bureau of Tourism. Robin Beaman, a onetime PR employee of Oprah Winfrey, says her company won a competitive bid for that contract. The

firm was hired to market Illinois to potential African-American tourists in surrounding states. It also has created a state Web site: [soulfulillinois.com](http://soulfulillinois.com).

The firm had no state contracts before last year, according to comptroller records.

"I think what made us more attractive was that at one point we were just public relations and then last year we added advertising, where we could develop ads and Web sites and we included media-buying," Beaman says. "We found that many corporations, as well [as state government], like coming to one-stop shops."

### Property management

A deposed state contractor is refusing to turn over e-mails and electronic documents, stalling a state corruption probe by Attorney General Lisa Madigan.

Illinois Property Asset Management



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LLC and parent company Mesirow Stein Development Services Inc. argue that complying with the subpoenas would take more than a year. Further, they want the state to pay for producing the information, Madigan states in a petition filed in Cook County Circuit Court.

Illinois Property Asset Management won a contract totaling more than \$30 million to reform real estate practices for Gov. Rod Blagojevich's Department of Central Management Services.

But the firm billed taxpayers for more than \$31,000 in questionable expenses, including alcohol, candy and parking at a Chicago Bulls game.

Blagojevich canceled the contract last spring, after Illinois Auditor General William Holland detailed the improper expenses. Holland then brought the investigation to Madigan.

*Pat Guinane*

## OTHER REPORTS

### Washergate

The state has severed ties with a politically connected firm that received \$522,000 in contracts for cleaning work experts say was unnecessary or overpriced, John O'Connor of The Associated Press reported.

PWS Environmental Inc. was hired to wash state trucks, road salt domes, office buildings and other structures. The company and President William Mologousis have contributed \$24,780 to Gov. Rod Blagojevich.

Mologousis is the brother-in-law of Robert Millette, finance and administration director of the Illinois Department of Transportation, the agency that ordered most of the cleaning work.

Millette was placed on administrative leave in July. IDOT referred the matter to Blagojevich's inspector general.

And the FBI has questioned employees about the deal, O'Connor reported.

### Pro-bono benefits

A Virginia firm won a \$180,000 deal months after helping state officials research the same contract proposal, Dave McKinney of the *Chicago Sun-Times* reported.

In July, Maximus Inc. secured a two-year deal aimed at steering more federal money to the state Department of Human Services.

Last spring, the firm conducted a pro-bono analysis of the same subject. The Blagojevich Administration says Maximus is doing the work for less than half the cost of an expiring contract.

Maximus has contributed \$25,500 to Gov. Blagojevich's campaign fund and its Springfield lobbyist is David Stricklin, Blagojevich's former congressional chief of staff, McKinney reported.

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## UPDATES

- The Illinois Commerce Commission approved the governor's Sustainable Energy Plan, which calls for increasing renewable energy use until 2008, when it should account for 8 percent of electricity sales in Illinois. (See *Illinois Issues*, July/August, page 37.)
- New Philadelphia, the western Illinois site of the first U.S. community incorporated by African Americans, has been named to the National Register of Historic Places. (See *Illinois Issues*, November 2004, page 12; February 2004, page 8.)
- President George W. Bush signed into law a \$286.4 billion transportation spending package that includes \$240 million for a new bridge over the Mississippi River at East St. Louis. (See *Illinois Issues*, September 2003, page 20.)

# 26.1%

*The rate of return that Illinois community college students receive on their investments of time and money*

# 13.8%

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## SECOND ONLY TO SUE

### Museum displays Jane, historic T. rex discovery

Two of the world's most complete *Tyrannosaurus rex* skeletons are on exhibit within 100 miles of each other in Illinois. The Field Museum in Chicago has Sue, an adult fossil that the museum bought at auction for \$8.4 million in 1997. The second-biggest *T. rex* find is on display at the Burpee Museum of Natural History in Rockford. With the help of university students, the small private museum found and restored a juvenile *Tyrannosaurus rex*, which is about 55 percent complete.

"It is ironic that a state that doesn't produce dinosaur bones from its own rocks has such specimens," says J. Michael Parrish, professor of biological sciences at Northern Illinois University in DeKalb. "But Illinois is one of the world's great centers for the study of fossil organisms. It has a history of finding and studying significant new fossils. This is another example."

Jane, named after a Burpee Museum benefactor, is one of the best preserved and most complete young *T. rex* specimens in the world, says Lew Crampton, the museum's president. Fine details, such as tiny tooth serrations and holes that once carried nerves and blood vessels, are perfectly preserved. Tests have pegged her age at 11; a full-grown *T. rex* like Sue could live to 30.

The archaeological crew, which included students from Northern Illinois University in DeKalb and Southern Illinois University Carbondale, recovered Jane's skeleton from a butte in Montana. Burpee curator Michael Henderson, a doctoral student at NIU and an alumnus of SIU, was part of the team that found the 66-million-year-old skeleton. NIU was able to fund the work of about a dozen other students at the site and in the laboratory with the help of a \$100,000 grant from the U.S. Department of Education, says Parrish, one of the experts guiding the dig and the restoration.

"This is an amazing opportunity," says Harvey Henson, professor of geology at SIU and supervisor of an after-school program that introduces junior and senior high school students to geology and paleontology. "Few students ever get the chance to see a real dinosaur bone, never mind touch one."

This month, dinosaur lovers, including many of the world's top *T. rex* experts, will meet at the Burpee Museum for a symposium focusing just on this species. Co-sponsored by Northern Illinois University, the September 16 weekend meeting will feature presentations by 30 experts from the United States, Canada, Europe and Asia. The presentations will be compiled in a book to be published by Northern Illinois University Press.

The Burpee Museum's \$1.3 million exhibit, "Jane: Diary of a Dinosaur," opened in June and was built exclusively for the 21-foot reconstructed skeleton. The museum received about \$1 million in state funds and \$350,000 in federal and private money.

*Photograph courtesy of the Burpee Museum of Natural History*



*Jane, the skeleton of a juvenile Tyrannosaurus rex, went on display in June at the Burpee Museum of Natural History in Rockford, which this month is hosting an international symposium on the T. rex. The bones were discovered in 2001 in Hell Creek in southeastern Montana by a 14-member expedition of museum staff and volunteers.*

*Beverly Scobell*



## Chicago's Hired Truck probe tests Shakman

Chicago Mayor Richard Daley is again fielding questions about charges stemming from a federal investigation of the city's Hired Truck Program.

Prosecutors aren't offering a variation on their recent refrain: City workers, they charge, have been shaking down truck owners for bribes to get city business. But this time the feds are accusing two employees from the Mayor's Office of Intergovernmental Affairs of gaming City Hall's hiring system to reward political loyalists with jobs and promotions, bringing the total charged in the investigation so far to 30. As of mid-August, 23 had pleaded guilty.

The new allegations claw at what's been the heart of political power in Chicago for decades: doling out city jobs to foster political loyalty.

Daley condemned any wrongdoing but critiqued the investigation for the first time. "It's important to note that for more than 30 years, through six administrations, such violations always have been treated as civil, not criminal matters, at least until now," Daley said.

The federal charges set other city politicians back on their heels. The investigation already has ratcheted up the pressure on them, as Hired Truck court filings note who received city workers to volunteer on their campaigns, including the 2002 statewide Democratic ticket.

Prosecutors aren't criminalizing patronage hiring itself. They can't prosecute a nod and a wink. Instead, they are attacking the fraud used to put the fix in, the rigged interviews and the forged documents. Prosecutors are going after the way city officials allegedly got around a set of federal court orders, collectively called the Shakman Decree, that is supposed to exempt the vast majority of city jobs from political considerations.

What's left to be determined is whether a jury will buy the argument that politics as usual is criminal. Or whether appeals courts will rule that prosecutors have cleverly stretched the law or snapped it. Prosecutors got a bit of momentum late last month when a Daley political insider, Donald Tomczak, the city's former first deputy water commissioner, admitted he committed a crime when he took part in the city's illegal hiring process.

*Steve Warmbir*  
Chicago Sun-Times

## One election down

Self-described policy wonk Steve Rauschenberger has secured the support of his legislative colleagues throughout the country. Now he just has to win over his home state.

A state senator since 1992, the Elgin Republican was elected last month president of the bipartisan National Conference of State Legislatures, a nonprofit organization representing all 50 states.

He's also one of four announced candidates in a GOP field for governor that could double in size before the March primary. The winner almost certainly will run against Gov. Rod Blagojevich, a Chicago Democrat.

Rauschenberger is widely considered one of Illinois' most knowledgeable legislators about the state budget. His past work with NCSL focused on streamlining state tax codes to boost Internet sales tax collections.

*Pat Guinane*

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**NEW USES FOR COAL****Illinois seeks to be site of FutureGen plant**

Illinois is in line, along with Ohio and Texas, to house a \$1 billion coal-fueled power plant. Called FutureGen, the federally funded prototype generating plant will produce electricity and hydrogen without harmful emissions.

U.S. Rep. Jerry Costello, a Belleville Democrat, says he expects the Bush Administration to make a decision by early next spring. He and U.S. Rep. John Shimkus, a Collinsville Republican, have been working with other members of the Illinois delegation to convince the U.S. Department of Energy to choose Illinois.

If this state wins the bid, construction and operation of the plant are expected to create 700 to 1,000 construction jobs and 450 permanent power plant and coal mining jobs.

Illinois received a \$14 million grant in June from the U.S. Department of Energy and \$600,000 from the Illinois Office of Coal Development to begin sequestering

carbon dioxide, a central component of the project. That involves capturing carbon dioxide (CO<sub>2</sub>) emissions from the burning of gasified coal and storing it underground in rock formations. Many scientists view capturing and sequestering carbon as one of the foremost technologies to reduce greenhouse gas in the atmosphere, believed to cause global warming.

"This is of huge importance for Illinois down the road," says William Shiels, chief of the Illinois State Geological Survey. "Being at the leading edge of that technology [gives Illinois] a very exportable commodity, particularly to third world countries where a lot of these emissions issues are actually much more severe than we have here."

The pilot sequestering project will most likely be located near an ethanol plant, says Shiels, because it produces a pure form of carbon dioxide, which is necessary in the early stages of testing the technology. The hydrogen produced by the new power plant, which also will be a research facility, will provide clean fuel for electric generation in turbines, fuel cells or hybrid

combinations of these technologies, with an eye on the goal of providing hydrogen to fuel a new generation of cars and trucks.

Another use for the CO<sub>2</sub> could be as a propellant to force oil from areas where it is too thick and deemed unprofitable to mine. This could offset the cost of capturing carbon dioxide. Illinois has produced 4.2 billion barrels of oil, but still has an estimated 10 billion barrels of oil in the ground.

Carbon dioxide also could be sequestered in old or unminable coal seams, driving out methane that could be used in a power generation and recovery cycle that eliminates harmful emissions.

"We are very well suited to locate the FutureGen project in this state," Shiels says. "We have the geologic conditions that are appropriate. We also have the industrial and economic conditions, and we have the expertise, particularly in partnering with Indiana and Kentucky. And, of course, we have the huge coal resources that would be firing it."

The one wild card is politics.

*Beverley Scobell*

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## STUDENT RIGHTS

### Ruling in Governors State case worries some experts

As colleges across Illinois reopen for the fall semester, students face a new precedent concerning control of college media.

Over the summer, the 7th U.S. Circuit Court of Appeals, in a case involving suburban Chicago's Governors State University, issued a ruling that some experts contend will open the door for greater restrictions on campus speech.

The case began in October 2001, when Patricia Carter, Governors State University dean of student affairs and services, insisted on reviewing GSU's student newspaper, *The Innovator*, before it was printed. The newspaper's leaders filed a federal lawsuit that contended their First Amendment right to free speech had been violated.

Last June, the court issued a ruling dismissing the case against Carter.

What bothers student free speech advocates most is not the decision to dismiss the lawsuit, but rather the rationale used by the court in its ruling. The court

argued that limitations on student expression once applied only to K-12 students should be extended to the college level. These limits are often referred to as the *Hazelwood* standard, which is named after a 1988 Supreme Court case that outlined circumstances under which school administrators could have a say in what is published in the student press.

"It's a disastrous decision," says Greg Lukianoff, director of legal and public advocacy at the Philadelphia-based Foundation for Individual Rights in Education. Lukianoff says the main danger is the indistinct nature of the limitations. "Previously, it had been clear that a student newspaper enjoyed a very high degree of First Amendment protection and autonomy," Lukianoff says. "Now, it is a matter of [interpretation]." Lukianoff worries that college administrators will use this ambiguousness to censor constitutionally protected free speech.

Donald Downs, professor of political science, law, and journalism at the University of Wisconsin-Madison, agrees. "A newspaper can go broke defending itself," causing, he says, some

newspapers to relent under pressure from administrators.

However, not everyone is as concerned about the impact of this decision. James Tidwell, the chairman of the journalism department at Eastern Illinois University and legal adviser to EIU's student publications, says, "Some people are probably overreacting to its impact. The vast majority of student newspapers [are] public forums." Tidwell contends that even under the new limitations, these newspapers "won't have any problem."

Illinois Solicitor General Gary Feinerman, whose office oversaw Carter's appellate court arguments, also downplays the ruling's effect. Feinerman says, "Everybody has a right to their opinion, but their concerns are overblown." He says he believes that the ruling will have limited impact on the way students' First Amendment rights are interpreted.

Most experts agree that the speculation may prove frivolous if the U.S. Supreme Court agrees to take on the case.

Nate Roth  
Editor, *The Acronym*, the student newspaper  
at the Illinois Math and Science Academy



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# Pipe dream?

States try to snuff out meth on their own.  
Illinois put a lid on the ingredients. But now the neighbors have stricter laws, raising the possibility of border hopping

by Eric Ferkenhoff

A year ago, Illinois officials had reason to be confident. As lethal and easily concocted methamphetamine overwhelmed rural communities and spread to larger cities, state lawmakers moved to restrict access to some over-the-counter cold medicines containing *c*phedrine and pseudoephedrine, key ingredients in the homemade drug widely known as crystal meth.

Illinois, it seemed, was ahead of the

game through smart politics and smart law enforcement.

But that was a year ago. Now more than a few sheriffs and police chiefs across the state, especially in towns bordering Missouri and Iowa, fear the threat posed by meth will only increase unless Illinois approves greater restrictions on who can buy what, and how much.

"Other states are leap-frogging us with stronger laws," says Steve Mange, a

senior policy adviser for Illinois Attorney General Lisa Madigan who has tracked meth. "We're a victim of timing. We almost hurt ourselves by coming out front on this. No one has a crystal ball, but at the time we had the best bill in the country. Now we're bracing as these other states, particularly Missouri and Iowa, are jumping ahead. It's like a fire that's looking for fuel, and now there's no fuel in Iowa — and now none in



Missouri — so they're looking back at Illinois."

Missouri looked to Oklahoma in designing its law. Oklahoma has reported a dramatic drop in the number of meth labs since enacting its provisions in 2003 following the deaths of three police officers, one of them executed by a meth cook. Oklahoma and Missouri require that medications containing meth ingredients be treated as controlled substances and doled out exclusively by pharmacists.

Iowa, which boasted in March that it had enacted the nation's toughest anti-meth law, also reduced the amount of cold medicines that can be purchased at one time and required buyers of certain medicines to sign a log and show identification. And stores in that state are required to lock up any liquid form of pseudoephedrine, or keep it behind the counter. "You cannot touch any package of pseudoephedrine in our state," says Iowa's drug czar, Marvin Van Haaften. "We want to get ahead of the cooks; you have to be proactive."

Indiana, while not as strict as Iowa, also has a tighter limit on medicine purchases than Illinois. And Wisconsin's new restrictions, which take effect this fall, will trump Illinois' regulations. But, so far, Illinois officials worry most about border hopping from Iowa and Missouri.

Some federal officials are pushing efforts to enforce uniformity to deter such movement, but some states, as well as the pharmaceutical industry, are resisting. As a result, according to the attorney general's office, laws further restricting the purchase of nonprescription cold remedies are likely to be introduced in the Illinois legislature, possibly as early as this fall. Discussions are already under way with law enforcement and other officials in Missouri and Iowa.

As it stands, Illinois law forbids display of certain medicines, namely such cold remedies as Sudafed. Remedies that include ephedrine and pseudoephedrine must be locked up. Buyers also are limited to two packages of the medicines per trip, and the medicines must be sold in so-called blister packs, which seal each pill separately.

Like its neighbors, Illinois restricts access to adult-strength medicines whose sole ingredient is ephedrine or

pseudoephedrine by moving them behind store counters. But Missouri and Kentucky, following Oklahoma's lead, also moved any solid drug that contains either ephedrine or pseudoephedrine among its ingredients. Just as important, those states put such products behind pharmacy counters. Iowa went even further, taking the advice of the U.S. Drug Enforcement Administration and other chemists who warned that meth cooks would soon use liquid forms of the medicines to counter the crackdown on tablets. That state moved liquid and gel caps behind pharmacy counters, as well.

Illinois' law, which took effect January 1, includes new sanctions for dealers who expose children to the chemicals while mixing the drug or whose meth labs explode or catch fire. It was quickly hailed as a bold move in the battle against a seeming epidemic that had ravaged so many small towns across Illinois and the Midwest.

How's the battle going?

An Illinois Criminal Justice Information Authority study released last year shows an upward trend in drug seizures in this state. In 1994, according to the study, just 3,433 grams of meth were seized. By 2002, the volume had reached 28,002 grams before sliding a bit in 2003 to 26,597. The study also showed that of the 96 counties where meth was found, 72 were rural.

Figures obtained this summer by the attorney general's office showed 249 labs were seized in the first quarter of 2005, followed by another 207 in the second quarter. However, the information, which was initially reported to the Illinois State Police, is incomplete. Not all areas of the state had submitted data, raising fears that this year's final totals will eclipse the totals in 2004, when 909 labs were reported seized. In 2003, police cracked down on 971 labs.

This would appear to show that the trade in methamphetamine is not subsiding despite Illinois' tougher law.

During their spring session, lawmakers approved a plan to consolidate many of Illinois' anti-meth provisions, which are scattered throughout the statutes, and to toughen penalties for lab explosions, exposure of children, and production and distribution of the drug. Last month, Gov. Rod Blagojevich signed the measure,

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***"Illinois took the lead before other states, but the fear here is we must respond to the states that have, in effect, removed certain medications from easy access and made it more difficult for consumers because these fools who are making the meth will come over here."***

which was sponsored by Sen. William Haine, an Alton Democrat, and Rep. John Bradley, a Marion Democrat. Even at that, many officials, including Haine, believe the state can't sit still.

"Illinois took the lead before other states, but the fear here is we must respond to states that have, in effect, removed certain medications from easy access and made it more difficult for consumers because these fools who are making the meth will come over here. We're going to look at this in the spring."

Though he urged some caution about rushing to match Iowa or Missouri too quickly, Haine, a former prosecutor, knows how wickedly the drug can harm communities. He points to such Metro East counties across from St. Louis as Madison, where meth lab seizures spiked from just 37 in 2001 to 90 in 2003.

Madison County Sheriff Robert Hertz, whose deputies and drug officers monitor towns near the Missouri border, says he has seen the meth craze increase dramatically over the past five years.

"You see these before and after pictures of people who use this stuff, and you'd have a young girl before she started using — pretty, attractive," Hertz says. "Then you look at her after two or three years of using this stuff, and she looks like something out of a horror story. It ruins communities," he says.

"Five years ago, if someone mentioned

methamphetamine, I'd have had to ask someone what they were talking about. Now, I'm not sure it's an epidemic, but it's all over."

It's the ease of access to the drug — anyone can mix a batch from common chemicals — that makes it so insidious, he says. "If you're willing to blow up your house or burn yourself up making this stuff, you can manufacture something very potent from stuff you can buy at a Wal-Mart. You don't have to drive into a crime-depressed area and face drug dealers who might kill you. You take out the middleman."

Meth has found its way to the big cities, too, including Chicago, where police have made an increasing number of arrests and lab busts over the past two years. Gangs have started taking over the trade in some pockets of the state. And the gay and lesbian communities have suffered the effects, as it has become a craze on the party circuit.

But the small towns that dot the state remain the primary victims and the primary focus of many law enforcement efforts. And it's the border towns that get hit particularly hard when neighboring states crack down, as dealers and makers simply hop the state line to buy — or steal — the ingredients.

In addition to stealing from pharmacies, cooks raid farms for the anhydrous

ammonia used on fields and then mix a batch for sale here or in their home states. Recognizing this, Illinois lawmakers last year approved the new law, which they expected would discourage border crossings and make it so difficult for makers of the drug that the problem would simply start to fade.

But that hasn't been the case. In fact, staff with the attorney general's office, curious how the Illinois law was working, jumped into cars this summer and did a sweep of the state, dropping in on some 330 drug stores in dozens of cities and towns to see how pharmacists and other retailers were displaying and selling the product. The results were disturbing.

"There's a wide variety of compliance rates, no uniformity," says Cara Smith, Attorney General Madigan's policy chief, who was along for nearly every visit. "The counties that have been the hardest hit had the highest compliance rates. Peoria, Tazewell — very high. Whether we were in a Walgreens or a convenience store attached to a gas station, the clerks knew the law and were conversant in it. But as we got to Chicago and other places not as hard hit, we found retailers weren't aware of what the law was. There were violations in the display provisions, violations in the quantity being sold."

In Herrin, where 10 sites were

checked, the compliance rate was 100 percent. Not a single store violated the display or sales limits in the law. And in Effingham, the compliance rate was 90 percent, but as they made their way around the state, the numbers started to slip, to 71 percent in Whiteside and Lee counties, 53 percent in Rockford, 50 percent in Champaign, 35 percent in Bloomington and just 23 percent in parts of Chicago. Statewide, the compliance rate was 65 percent.

The spotty results have officials doubly worried: Not only is the state likely to get an influx of meth makers and users hopping the border from Iowa and Missouri, but there may be a rush from county to county, town to town, within the state as meth makers and dealers seek out the easiest place to do business.

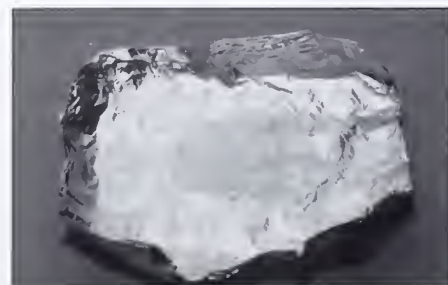
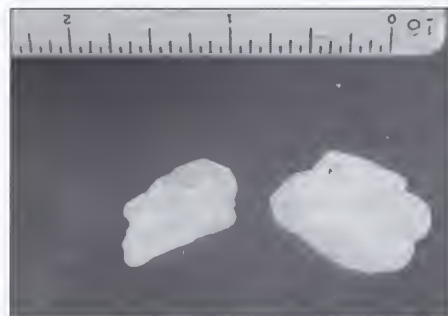
"We're finding that, within our borders, we have the same issues we have outside our borders," Smith says. "If one county isn't as compliant as the next, that will encourage this same sort of forum shopping."

The larger issue now is how best to equip the officers on the front lines of the battle against meth — mostly deputies and narcotics officers in rural areas, but increasingly, tactical officers in big cities — with the toughest laws and best tools to thwart the trade. And

*Photographs courtesy of the U.S. Drug Enforcement Administration*



*A bag of ice methamphetamine*



*Above: Methamphetamine in crystal form  
Below: Powder meth on foil*



because the Iowa and Missouri laws were inked just this year — Missouri's took effect in July — it may be too soon to judge the effect they will have in Illinois.

But, already, there are discouraging signs. "We're seeing a lot more people coming over from Iowa to shop for pills," says Jeff Boyd, deputy director of the multi-agency Quad Cities Metropolitan Enforcement Group, whose coverage area straddles the Iowa-Illinois border.

The unit, which posts billboards throughout the area warning, "If you cook it, we will come," has seen a drop in the number of meth labs, but an increase in the number of arrests for illegal possession of the ingredients for making meth. In one case this summer, the unit tracked a man from near Cedar Rapids to 15 stores where he bought pills. When they arrested him, the officers learned that he had not only been previously convicted on meth-related charges but was currently on pretrial release in a federal meth case from Iowa.

Roughly 98 percent of the unit's meth cases are related to the illegal purchase of meth precursors, Boyd says, noting that officers have worked out agreements with security officials at drug stores to tip them whenever someone is trying to purchase a suspicious quantity of medicines.

The statistics don't surprise Van

Haaften. "We've taken down labs in Mount Pleasant here in Iowa, where the supply came from Illinois. And in Washington, Iowa, all the pseudoephedrine came from Illinois," he says. There also have been busts linked to Illinois in Pleasantville, near Des Moines, where a trip to this state was planned, he says.

In Madison County, near Missouri, there hasn't been a dramatic spike in meth activity since the state enacted its harsher laws, according to Sheriff Hertz. But he suspects the tougher Missouri law is having some effect because the number of lab busts and arrests has remained constant despite stepped-up efforts to blunt the trade.

"Maybe because of what we're doing here, and what they're doing there, our numbers are evening out," he says. "We're holding our own. I don't think law enforcement is fighting this with one arm tied behind our back, but maybe making stores move all of this stuff behind the counter would have an impact and, when the dust clears, maybe in two years or so, perhaps we'll see the numbers come down, hopefully."

Regardless, state officials say some uniformity is needed to stop border hopping. "States can't be in this stampede or dash to the toughest law," says Smith, of the attorney general's office. "It doesn't

make any sense. The federal government needs to step in."

In fact, work is under way on a proposal pushed by U.S. Sens. Jim Talent, a Missouri Republican, and Dianne Feinstein, a California Democrat, to put some uniformity in place.

But the power of the pharmaceutical and retail lobbies is huge, and officials here and in other states with toughened laws worry any federal legislation would be watered down and block future attempts by states to draft even stricter guidelines. This is particularly worrisome now that it has been shown how easily meth can be made from liquid forms of nonprescription medicine, which, so far, only Iowa locks up or keeps behind the counter.

In the meantime, Illinois officials are looking to toughen this state's law. "Though Indiana has a law that's weaker than some out there, Wisconsin is going to put into effect a [tougher] law similar to Oklahoma's and the end result is we'll be surrounded by tougher states," says Mange of the attorney general's office. "That's the bottom line right now." □

*Eric Ferkenhoff, former police beat reporter for the Chicago Tribune, is an Oak Park-based writer who contributes to such publications as the Boston Globe, Time and U.S. News & World Report.*

*Photograph courtesy of the Illinois State Police*



**Meth makers use glassware and other equipment, including plastic tubing, hot plates or microwave ovens, coffee filters and duct tape, according to the Illinois State Police.**

# Low profile, high impact

Despite its relative obscurity, the Illinois Court of Claims doles out more than \$40 million a year to settle complaints against the state

by Pat Guinane

Each year, thousands of disputes make their way to a drab two-story, red-brick building in the shadow of the state Capitol. It's where contractors argue the state owes them money. Where crime victims seek compensation for losses. And where pardoned inmates ask for restitution.

It's also where a British company recently launched a \$2.6 million lawsuit over thousands of flu shots Illinois ordered without getting approval from the feds.

In fact, despite its relative obscurity, the Illinois Court of Claims doles out more than \$40 million a year to resolve such disputes.

Furthermore, this quasi-judicial panel of seven attorneys appointed by the governor includes some high-profile Illinois political players: the Democratic chairman of St. Clair County, the wife of a

longtime Democratic congressman, a top Kane County Democrat and a suburban attorney with ties to Rosemont's casino bid. The six judges each take home \$50,893, while the chief justice earns \$55,135. And the judges appoint up to 16 regional commissioners who each make \$40,694 a year as hearing officers. Their ranks include the Democratic chairmen of Sangamon and Cook counties.

It's not surprising to see party loyalists on the court. For a part-time job, it pays pretty well. But a former chief justice of the Court of Claims argues the public shouldn't dwell on the partisan particulars. "What would we do, have the governor go to the phone book and take names out?" asks Andrew Raucci, an attorney and lobbyist. "Some [appointments] are based on recommendations and some are based on personal relationships over the years

and so forth."

Raucci served on the court under three GOP governors. But he recalls that he was first appointed because he's a Democrat. "I went to a Christmas party in 1983 of Gov. [James R.] Thompson's and he waved me over and said, 'I've got this opening on the Court of Claims. I don't have to have a Democrat-Republican balance, legally, but I try to and I'm going to appoint you to the Court of Claims.'"

"And I said, 'Thank you, governor. Have a great Christmas because you just made a great Christmas for me.'"

Now, with all but one judge having been appointed by Gov. Rod Blagojevich, the court leans heavily Democratic. But that wasn't always the case.

Former GOP Gov. George Ryan's court appointees included Zack Stamp, an agency head and legislative affairs director

## Political players

*This quasi-judicial panel of seven attorneys appointed by the governor includes some high-profile Illinois political players. Chief Judge Robert J. Sprague is paid \$55,135, and other panelists take home a \$50,893 salary.*

### **Peter J. Birnbaum**

APPOINTED: January 2004  
by Gov. Blagojevich  
HOME: Chicago

Birnbaum is CEO of the Attorneys' Title Guaranty Fund Inc., which provides title insurance to lenders and homebuyers. The fund has given \$21,450 to Blagojevich's campaign fund.

### **Norma S. Finley-Jann**

APPOINTED: February 2001  
by Gov. Ryan  
HOME: Chicago

Finley-Jann works for Irwin G. Jann & Associates. Her husband, Irwin Jann, has given \$3,500 to Ryan's campaign fund and \$5,000 to Blagojevich's fund.

### **James L. Kaplan**

APPOINTED: January 2005  
by Gov. Blagojevich  
HOME: Lincolnshire

Kaplan chairs the Illinois Board of Higher Education, a nonsalaried post. He and his Chicago law firm, Kaplan & Sorosky Ltd., have given \$15,866 to Blagojevich's campaign fund.





*Each year, thousands of claims against the state make their way to this building.*

for former Republican Gov. Thompson. Stamp is married to Diane Ford, a longtime legal counsel to the Ryan Administration. Among the commissioners during Ryan's tenure was Jeffrey Fawell, brother to Scott Fawell, the top Ryan aide who is assisting prosecutors in the federal corruption case against his former boss.

Stamp and Raucci both left the court last year when a new ethics law forced lobbyists off most state boards and commissions.

The salary he received was nothing to sneeze at, Raucci agrees. But the job comes with an ample workload.

Robert Sprague, the current chief justice, says he often spends evenings going over cases. During a recent five-hour stint, he says, he put only a small dent in the opinion he was drafting. And, while some cases are less complex than others, the court decides more than 10,000 of them a year.

"There's quite a bit of work on all the judges," Sprague says. "I guess I can't complain about the salary because I took the job knowing what it was."

Sprague, a Metro East trial lawyer, says

he had never tried a case before the Court of Claims when he asked Blagojevich to make him a judge there. Sprague did serve as an associate circuit judge. He has practiced law for nearly four decades and has chaired the St. Clair County Democrats for 25 years.

"I think I was eminently qualified," he says. "And I'm sure being county chairman didn't hurt."

Perhaps it's not unusual that Sprague's first experience with the court was as a judge. Most lawyers try one case there during their entire careers, Raucci estimates. It's somewhat of a hybrid, part court, part administrative agency.

A fall on the Capitol steps, an accident with a state vehicle or a broken sidewalk at a state university can all land in the Court of Claims. But these disputes are settled on the state's terms.

The court is rooted in the doctrine of sovereign immunity, English common law that prohibits citizens from suing the government without its consent. Illinois lawmakers have relegated nearly all suits

against the state to the Court of Claims. There, the state can control the size of most awards. And the largest settlements are subject to appropriation, meaning the General Assembly can opt to ignore court awards.

*Illinois Issues* examined dozens of cases — excluding crime victim claims, which are vetted by the attorney general — that the Court of Claims has resolved in the past two years. They were primarily disputes over state contracts, personal injury suits or wrongful imprisonment settlements, all of which received special appropriations from the legislature.

Those suits, often some of the most expensive to settle, represent less than 10 percent of the court's overall workload. Crime victim claims make up about half of the cases. And disputes over appropriations that disappeared when the state budget year rolled over occupy almost as much space on the docket. Those minor claims, some as small as a few dollars, can be paid from the court's regular annual budget.

Over the past five years, the court has settled an average of 11,287 cases a year,

### **Rose Marie Lipinski**

APPOINTED: March 2004  
by Gov. Blagojevich  
HOME: Chicago

Lipinski is the wife of longtime U.S. Rep. William Lipinski, a Chicago Democrat. William Lipinski has contributed \$7,840 to Blagojevich's campaign fund.

### **Robert J. Sprague**

APPOINTED: February 2003  
by Gov. Blagojevich  
HOME: Belleville

Sprague chairs the St. Clair County Democrats. The organization has contributed \$28,755 to Blagojevich's campaign fund.

### **Robert J. Steffen**

APPOINTED: March 2004  
by Gov. Blagojevich  
HOME: Sleepy Hollow

Steffen is vice chairman of the Kane County Democrats. In 2002, he unsuccessfully challenged state Sen. Steve Rauschenberger, an Elgin Republican. Steffen has contributed \$2,000 to Blagojevich's campaign fund.

### **Donald J. Storino**

APPOINTED: March 2004  
by Gov. Blagojevich  
HOME: Inverness

Storino's Rosemont law firm, Storino, Ramello & Durkin, has contributed \$19,807 to Blagojevich's campaign fund.

*Pat Guinane*



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*It's that sort  
of back-and-forth  
that has incensed  
state Rep. Chapin Rose,  
a Mahomet Republican.  
"The Court of Claims  
is the single most  
Kafkaesque bureaucracy  
I've ever seen," he says.*

shelling out about \$41.5 million annually.

Taken as a whole, the payout might seem generous. But examining individual cases can reveal some rather paltry sums.

Paul Terry and Michael Evans were both 17 when police on Chicago's South Side arrested them for the 1976 abduction, rape and murder of 9-year-old Lisa Cabassa. Both were convicted on the testimony of an eyewitness who changed her account at least twice and who had come forward to claim a well-publicized \$5,000 reward, according to court documents. There was no other evidence and no established motive.

Terry was beaten and stabbed during his first year in prison. After eight years, he became despondent, refusing to leave his cell and disregarding personal hygiene. He was transferred to a mental health ward.

Like Terry, Evans spent more than 26 years behind bars for a crime he did not commit. DNA evidence exonerated both men in 2003. Gov. Blagojevich pardoned them in January. And this summer, each man was awarded \$161,005.25, the most the court could assign for nearly three decades of wrongful imprisonment.

Most other awards are capped at \$100,000, unless there was an accident involving a state vehicle. This exemption can create wide disparities in awards.

For instance, when a state trooper started a high-speed pursuit without flipping on his lights and siren, an innocent citizen paid the price. And the 1993 crash also cost the state.

It was the suspect he was chasing, not the trooper, who barreled down a Kennedy Expressway off-ramp at more than 90 mph, broadsiding Thaddeus Glodck's car and

killing the 36-year-old father. But the trooper violated police protocol by not warning motorists with his lights and siren. So the court awarded \$100,000 to Glodck's daughter. If the squad car had struck Glodck's vehicle, the compensation could have been much higher.

That was the case when the driver of a state-owned Dodge Ram accidentally backed into Adren Terry. The southern Illinois road construction worker was awarded \$736,278.

Terry suffered head and leg injuries and lost teeth. In court documents, he said that he could no longer perform household chores. And that his alcohol intake had been "diminished to approximately two beers per week after the accident." In addition to medical bills and lost wages, Terry received \$350,000 for pain and suffering and \$250,000 for loss of normal life.

Such cases fall under the category of torts, instances when individuals claim to have been wronged by the state.

In 1990, for example, a carpenter working for a state mental health facility was fired after a cocaine arrest. He wanted his job back. The employee handbook he signed said he could be fired only if he used or possessed drugs "in such a manner as to bring adverse criticism on the department." But the newspaper article detailing his arrest didn't mention that he was a state employee, so he argued there was no adverse criticism. The court disagreed.

That case contrasts sharply with the story of Daniel Fricke, who had a legitimate beef with his employer, the Illinois Department of Transportation.

After a 1994 wrist injury suffered on the job, Fricke returned to work with a doctor's note saying he needed physical therapy and couldn't work the midnight shift for a while. When the department wouldn't accommodate the request, Fricke didn't show for work. His supervisor, Frank Cellini, told Fricke to return to his midnight shift or "face rougher and tougher" problems, according to court records.

Fricke was soon fired. No one ever told him why he couldn't work another shift. But Cellini appeared to be the "architect of Fricke's discharge," the court ruled. The state paid Fricke \$95,921 for lost wages and benefits. He was later hired by another state office.

Unlike tort cases, there's no limit on awards for firms who claim the state broke

a contract and still owes them money. While George Ryan was secretary of state, for example, he agreed to lease office space on Springfield's East Side from a group of his campaign contributors. But after Ryan became governor, his successor, Secretary of State Jesse White, abandoned the office at 1800 E. Adams St. with more than a year left on the lease.

"I think the feeling here was the building was a dump, that the heat wasn't working in the winter, the air conditioning wasn't working in the summer — not a very pleasant environment," says Dave Druker, White's spokesman.

The landlords, who haven't paid taxes on the property for nearly three years, sued White for \$267,000 in rent and fees. Last year, the two sides settled for \$200,000.

Similarly, in March, a British wholesaler filed a contract lawsuit over the \$2.6 million in flu shots Gov. Blagojevich ordered without getting federal approval to bring the vaccine stateside. Illinois never received the 254,250 doses. They expired this summer. And, against the governor's wishes, Comptroller Dan Hynes has refused to pay Ecosse Hospital Products Ltd. for the vaccine. Attorney General Lisa Madigan has asked the court to dismiss the suit, a motion common in cases against the state. Even if the court agrees, Ecosse could file an amended claim to reopen the case.

In fact, with no appellate court to turn to, suits can bounce around the Court of Claims for years. Some are put on hiatus while the plaintiffs pursue related lawsuits in federal or circuit court. A personal injury and wrongful death lawsuit against the Illinois Department of Transportation, for example, was put on hold for seven years while the victims pursued a lawsuit in Cook County. The case was reopened in 1999 and last year the Court of Claims issued a \$3.1 million award. But a month later, the state asked for a new hearing, reopening the case before the victims received any money.

It's that sort of back-and-forth that has incensed state Rep. Chapin Rose, a Mahomet Republican. "The Court of Claims is the single most Kafkaesque bureaucracy I've ever seen," he says. "Whatever anger people get standing in line to get their driver's license reissued is inconsequential compared to what the Court of Claims does to citizens of the state of Illinois every day. It's unbelievable."

Rose points to the case of All States



Environmental Services Inc. The state hired the company to clean up underground storage tanks at Willard Airport in Rose's district and at three other sites. The work began in 1994 and was done by 1996. But insurance costs went over budget and All States sued to recover \$871,000, plus interest.

This summer, the court awarded All States a fraction of that. David Waltrip, All States' attorney, says the judge overlooked key evidence, and he has asked for a rehearing. If that fails, All States will be out of options, stuck with a frustrating end to an eight-year ordeal.

In January, Rose filed legislation that would turn that sort of situation on its head. It would force the state to automatically forfeit all claims where the court doesn't issue a decision within four months of receiving all evidence.

The legislation went nowhere. No one even bothered to estimate how much it might cost the state.

"If you put in a rule like that, it's crazy. Nobody gets justice," says Sprague, the current chief judge. "You don't want to force us to make an opinion without thinking about it."

It's probably not in the best interest of the state either. "From the point of view of the defendant, speed isn't usually a goal," says Raucci, the former chief justice.

Clearing cases means more money out of state coffers. That helps explain the deliberate process and the \$100,000 cap on most tort cases. And if a dispute rests solely with the state, plaintiffs have nowhere else to go. As a result, sometimes their suits seem to go nowhere.

There are still 15 open cases that were filed in the 1980s. Add those to 69,366 open claims from the 1990s and 60,456 since 2000, and the court has a healthy caseload to chew through.

Raucci says as chief justice he tried to cut down the docket by setting deadlines for commissioners to file reports and for judges to act upon them. He also convinced the General Assembly to let the court pay small claims out of general funds, rather than wait months to pay, say, a license plate refund, from the bank account where those fees are deposited.

"We were sending somebody a letter saying we've awarded you \$30 and now you're going to wait 16 months to get your \$30," Raucci says. "I mean, that

was asinine."

And while he doesn't think much of Rep. Rose's proposal, the current chief justice says he's trying to speed up the process as well.

"Lawsuits aren't like wine," Sprague says. "They don't get better with age."

While time may not ripen its contents, the Court of Claims certainly can be considered a cellar of state government. Just looking up a case file requires a formal request under the state's public records law.

The flu shot lawsuit, for example, got public attention only after Comptroller Hynes alerted the media. Other big money lawsuits also have escaped scrutiny.

In April, the court dismissed a \$20 million lawsuit against Blagojevich's Department of Central Management Services. The agency canceled a lease with The TEEJ Group Inc., a Chicago company that couldn't get a South Side welfare office built in time to honor a 10-year, \$5.9 million lease signed under former Gov. Ryan.

The firm, headed by the daughter of a Ryan agency director, blamed the delay on problems purchasing land from the city of Chicago. The Court of Claims ruled The TEEJ Group must sue the city before it can take on the state.

In another case, the court has yet to decide a \$15.5 million lawsuit brought by the Illinois Harness Horsemen's Association. Lawmakers left the racing group's annual subsidy out of the state budget three years ago.

And earlier this year, a former inmate diagnosed with a rare bone tumor filed a \$10 million lawsuit alleging 18 months of neglect by state prison physicians.

Of course, the size of these lawsuits must be put into context. Since 2001, the court's largest payout was just over \$2 million. It went to a handful of nursing homes that hired the Chicago law firm of Winston & Strawn to recover dollars the state owed them for providing care to the poor.

These are some of the disputes that settle into the cellar known as the Court of Claims, a place that seldom draws the public's eye. For taxpayers, the consolation may be that, unlike fine wine, these lawsuits tend to decline in price the longer they're left in the dark. □

## Political docket

Theresa Johnson-Hughes didn't have a building or a place to put it when former Gov. George Ryan allowed her to sign a \$5.9 million state lease.

As the daughter of a Ryan appointee, Johnson-Hughes needed special permission from the governor before doing business with the state.

That was no problem. Buying the land proved more difficult. It took more than two years of haggling with the city of Chicago. By then, Ryan was no longer governor. And the new administration lost interest in the proposed South Side welfare office.

The case shows how an insider deal brokered by one administration can fall apart under the next. Johnson-Hughes never saw a cent. So she sued the state for \$20 million.

The Court of Claims dismissed the breach of contract lawsuit in April, ruling Johnson-Hughes must sue the city before she can take on the state.

The lease, finalized in September 2002, called for the state Department of Human Services to move into a new office in July 2003, five months before the Chicago City Council finally sold Johnson-Hughes the land at 4810 S. Cottage Grove.

Johnson-Hughes is the daughter of Gertrude Jordan, Ryan's director of Employment Security. According to state records, Johnson-Hughes owned a 70 percent stake in the 10-year \$5.9 million lease signed with the Ryan Administration.

She claims the Blagojevich Administration canceled the lease over the objections of Carol Adams, the governor's director of Human Services.

"The bottom line," says Justin DeJong, spokesman for Blagojevich's Department of Central Management Services, "is that The TEEJ Group did not meet the provisions of the contract that had been established and, as a result, the state canceled the contract."

Johnson-Hughes could not be reached for comment. Her company, The TEEJ Group Inc., does not have a listed phone number.

Pat Guinane

# Day of reckoning

Illinois officials decided to push public pension contributions further into the future. The move was politically palatable. Was it fiscally reckless? We'll know in about 40 years

Analysis by Kate Clements

Officials are likely to spend the next four decades debating whether they made a sound decision when they deferred deposits into the state's public employee pension funds. At a whopping \$35 billion, Illinois already had the largest liability of any state when lawmakers voted in May to reduce expected contributions by more than \$2 billion over the next two fiscal years.

Certainly, the move enabled Gov. Rod Blagojevich to balance this year's state budget by freeing up \$1.2 billion that otherwise would have gone to the five pension systems. He was able to use that cash for other state operating expenses, boost spending for education and health care for the poor — and keep his promise not to increase general state taxes. The decision also made budgeting a bit easier for the governor in the final year of his term because it frees up another \$1.1 billion he would have had to use to make next year's pension payments. Furthermore, retirees, whose benefits are constitutionally guaranteed, won't experience any hardships.

In the short term, the decision proved politically palatable to Democrats, who control the Executive Mansion and both legislative chambers.

But the decision to push the state's pension obligations into the future definitely creates a dilemma for state budget makers in fiscal year 2008 and beyond, when the annual pension bill will start to shoot back up. And, in the long term, the

move may have saddled future generations of taxpayers with a massive debt that must be repaid.

The shape of the future, though, depends on who's looking.

The Blagojevich Administration, which promoted the changes, maintains that long-term costs associated with lowering pension payments now will be more than outweighed by savings from benefit reforms that were included. House Republicans warn that the ultimate net cost to the state could total nearly \$25.5 billion. The General Assembly's bipartisan Commission on Governmental Forecasting and Accountability is expected to weigh in as well this fall.

Meanwhile, a couple of things are clear: The state's pension problems are not new, and they aren't going away anytime soon.

In fact, Illinois has a decades-long history of skipping or reducing its contributions to the state's public employee pension systems. In turn, those missed contributions have had a huge impact on the systems' unfunded liability — the difference between assets and expected obligations — because each dollar that wasn't invested wasn't available to generate interest in the systems' funds. At the same time, lawmakers and several governors have agreed to boost benefits for some public employee retirees. And, though officials managed to spare the state some immediate costs, higher future benefits served to increase long-term liability.

By the mid-1990s, the systems were in such bad shape that the General Assembly, with the support of then-Gov. Jim Edgar, moved to put pension contributions back on track by requiring annual state payments. The goal of the 1995 law was to enable the five systems to meet 90 percent of their expected obligations by 2045. The required payments were designed to fully fund obligations going forward and to catch up with past skipped payments, plus interest. To make this 50-year plan more affordable at the time, the law set up a phase-in period, ramping up annual payments in each of the first 15 years. After that, the annual contribution was expected to be a level percentage of employee payrolls each year.

Technically, the state was still underfunding the pension systems to some degree because the ever-increasing annual contributions during the past decade were still smaller than they would have been without the phase-in provision. Even so, pension payments were beginning to put a serious strain on state budgets at a time when the economy was tanking.

Blagojevich managed to solve that problem in fiscal years 2003 and 2004 by selling \$10 billion in bonds and using about \$2.7 billion of the proceeds to help make the pension payments for those years and cover borrowing costs. Because the bonds were sold at a historic low interest rate of just over 5 percent, the expectation is that the proceeds



invested in the retirement systems, about \$7.3 billion, will grow by 8 percent or more over time and make enough money to pay off the \$10 billion debt, plus interest.

Facing a required pension contribution of just over \$2 billion in fiscal year 2005, the governor argued the pension bond deal would work even better than originally predicted and that, therefore, the state deserved an \$860 million credit toward its pension contributions — \$215 million each year spread over a four-year period. When the retirement systems noted that the \$860 million would cost the state an estimated \$11.8 billion in lost investment growth and interest 40 years down the road, the General Assembly balked. The amount due the systems was paid in full.

Under the 1995 law, the state's contribution for fiscal year 2006, which began in July 2005, would have been \$2.6 billion, a \$600 million increase over the previous fiscal year. But expected revenue growth for the year didn't come close to that amount, and costs for other state expenses were continuing to rise. So Blagojevich, who was limited by a vow not to raise general state taxes and by other promises for multiyear funding increases for various programs, came up with a new approach.

In his February 2005 budget address, the governor compared pension costs to a snowball rolling down a mountain. "As it picks up speed, it gets bigger and bigger," he said. "And before long, if that snowball isn't stopped, it will turn into an avalanche, and bury anything in its way." The only way, he argued, to get those costs under control is to address benefits. Doing nothing would mean paying \$521 billion into the pension systems by the end of 2045, including \$220 billion in interest alone, he said.

"We have to change and reform the way our pension system works," Blagojevich said.

The governor then outlined a series of benefit changes the administration estimated would cut the overall pension liability of \$521 billion in 2045 by about \$150 billion. Those proposed changes included increasing the retirement age for judges, lawmakers, suburban and downstate teachers, university workers and state employees; limiting retirees' automatic annual pension increases;

limiting the alternative pension formula for high-risk jobs to new hires who are police officers — leaving out corrections officers, state highway maintainers and other jobs that currently qualify for that formula; and capping annual pay increases at 3 percent during the final four years of employment, unless the school district, university or community college agreed to cover the additional pension costs associated with larger raises.

While most of the estimated savings associated with these changes would not have occurred until yet-to-be-hired employees retired, the governor proposed spending about \$800 million of the projected savings right away by reducing the scheduled \$2.6 billion pension contribution by that amount.

Public employee unions found the plan unacceptable. Union officials opposed the move to create a two-tiered system of current and future hires, arguing the two groups of employees would be doing equal work but earning unequal benefits. They argued the state's pension liability was not a benefits problem, but a funding problem caused by the state's failure to pay what it owed in past years.

The proposal also faced opposition from some lawmakers who, while expressing interest in reducing benefits for future workers, were wary of spending savings now that would not materialize for decades, when yet-to-be-hired employees retire.

The governor's plan seemed to fizzle. But, then, so did talks to expand gambling, raise cigarette taxes or find some other major new revenue stream. And there was no agreement on how to cut spending to any significant degree. So, with a May 31 budget deadline looming over lawmakers who wanted to avoid the prior year's record overtime session, the idea of taking a "pension holiday" began to appeal to Democratic legislative leaders.

Even the governor backed the idea, despite his budget address analogy likening the state's past failure to meet its pension obligations to making frequent purchases on a credit card without paying off the balance each month and even skipping a payment or two. "For the average family, that would be a surefire recipe for personal bankruptcy," the governor said in his address. "But,

## IN BRIEF

### Retiree benefit changes

- End-of-career pay hikes for teachers and university workers capped at 6 percent a year unless employers pay the higher resulting pension costs. Current labor contracts are not affected.

- The alternative pension formula for high-risk jobs will be limited to new front-line employees in such agencies as the Illinois State Police and the departments of Transportation and Corrections.

- Future teachers and university workers will not get the money purchase option, which boosted benefits for some retirees, and the state comptroller now sets the rate at which interest is credited to current SURS members' accounts under that option.

- Extends early retirement option for teachers in a way that is not supposed to cost the state.

- No new pension benefits may be added unless a corresponding way is found to pay for them. All new benefits must automatically expire in five years.

- A new commission will explore the feasibility of increasing retirement ages and limiting annual cost-of-living adjustments.

*Kate Clements*

unfortunately, it's exactly what the state of Illinois has been doing, year in and year out."

In the final days of the spring session, the governor, House Speaker Michael Madigan and Senate President Emil Jones, both Chicago Democrats, pushed a pension measure through the legislature without a single Republican vote. Blagojevich signed it in June.

The new law included some, but not all of the governor's proposed benefit changes, reduced pension contributions by a combined \$2.3 billion for fiscal year 2006 and 2007, and reset the 1995 law's payment schedule.

John Filan, the governor's budget director, called it a smart move. "We've taken a plan that was adopted 10 years ago, that wasn't working well, that wasn't affordable, and come up with a new plan," Filan said. "And we've stayed on the 50-year schedule and we've made some major reforms."

## IMPACT OF PENSION LAW CHANGES

### Projected liability in 2045 (in millions)

Actuarial accrued liability	TRS	SERS	SURS	JRS	GARS	Total
1995 law	\$365,921	\$90,748	\$64,812	\$7,701	\$639	\$529,821
New law	\$331,599	\$90,073	\$55,157	\$7,701	\$639	\$489,169
Dollars saved	\$34,322	\$675	\$9,655	0	0	\$44,652
Percent saved	9.4	0.7	14.9	0	0	8.4

SOURCE: State Retirement System

But Rep. Bill Black, a Danville Republican, called it “the most irresponsible action I have ever seen the state take.”

“You’re mortgaging our future,” Black said during floor debate. “You are playing with fire. You are playing with potential bankruptcy of the pension systems.”

Though the new pension benefits package would only reduce the state’s liability by \$44 billion, compared to the \$150 billion associated with the governor’s initial proposal, the final plan actually calls for a contribution reduction that is significantly larger than the \$800 million Blagojevich originally sought.

According to the House Republicans’ “Formula for Disaster” report, the true first-year savings of the benefit changes are only about \$30 million. The additional reduction in pension contributions this year could be considered a loan from the retirement systems at an interest rate of 8.5 percent — the expected return had the money been invested in pensions instead — which is about twice the interest the state pays on other debt, the report said.

In total, the new legislation cut the required state pension contributions in fiscal year 2006 by nearly \$1.18 billion from the amount mandated by the 1995 law. It also reduced the fiscal year 2007 pension payment by \$1.13 billion and provided a formula for recalculating the pension contributions in the following few years to get back to the ultimate goal of having enough assets on hand in 2045 to fund 90 percent of all future pension liabilities.

House Republicans believe that formula will result in a total reduction in pension contributions of \$3.5 billion over five years, compared to what was required by the 1995 law. But the Governor’s Office

of Management and Budget says it’s too early to determine what the contributions in the years beyond 2007 will be because certain variables that must be plugged into the formula are not yet known.

One change is clear. A provision in the new law stretches out what had been a 10-year repayment plan for the state’s 2002 early retirement program to 40 years, reducing the amount the state must pay each year but increasing the associated interest costs, some say by as much as \$100 million. Filan says the way the plan had been structured was unaffordable, particularly because the actual cost of the program was around \$2.5 billion over 10 years, significantly higher than the \$622 million cited at the time it was approved by the General Assembly. “If they knew that was going to be the cost, they would have either not voted for it, or put it in the 50-year plan like every single other change,” he said.

Still, predictions on the long-term impact of the new pension law vary dramatically, depending on which actuarials are used, which assumptions are relied upon and how the calculations are done.

According to Filan, benefit changes tied to the reduced pension contributions will ultimately reduce the state’s contributions by \$13 billion over the next 40 years, which more than cancels any long-term costs associated with making smaller pension contributions now. As a result, he says, he expects the state to realize a net savings of at least \$2 billion when 2045 rolls around.

At the other end of the spectrum, House Republican pension analysts expect the outcome may be a staggering net loss to the state of close to \$25.5 billion. They arrived at that number by

subtracting Filan’s estimated \$13 billion in savings — which they think is a little optimistic — from the \$38.5 billion they believe will be the long-term cost of failing to stay on the payment schedule set by the 1995 law.

Meanwhile, a combined look at early data from the pension systems shows a projected net cost to the state for all systems of about \$6.8 billion over the same 40-year period.

Former State Universities Retirement System Executive Director James Hacking says the benefit changes made to that system are projected to save about \$2 billion over the next four decades. But Hacking, who left Illinois for a similar job in Arizona, says reducing state contributions over the next five years by \$717 million below what would have been required by the 1995 law effectively sacrifices all of those savings and will cost the state an additional \$225.6 million.

Data from the State Retirement System shows a net cost of nearly \$10.6 billion for the state employees’ system over the next 40 years, after the benefit savings are calculated in. The two smaller systems, for which no benefit changes were enacted, also would cost the state: \$116 million for the Judges’ Retirement System of Illinois and \$15 million for the General Assembly Retirement System.

Only the Teachers’ Retirement System’s preliminary figures show a net savings for the state. According to Executive Director Jon Bauman, the benefit changes in the new pension law reduce the amount the state must pay over the next 40 years by about \$10.2 billion, but the smaller contributions in the next few years peel away about \$6.1 billion of those savings, leaving a net reduction in required state contributions of about \$4.1 billion.



## IMPACT OF PENSION LAW CHANGES

### Projected state contributions 2006 through 2045 (in millions)

State contributions	TRS	SERS	SURS	JRS	GARS	Total
Under old law	\$156,715	\$65,340	\$60,688	\$6,538	\$862	\$290,143
Under new law	\$152,550	\$75,928	\$60,914	\$6,654	\$877	\$296,923
Dollars saved	\$4,165	(\$10,588)	(\$226)	(\$116)	(\$15)	(\$6,780)
Percent saved	2.7	(16.2)	(0.4)	(1.8)	(1.7)	(2.3)

SOURCE: State Retirement System

So which estimates are correct?

Tim Blair, pension manager for the General Assembly's Commission on Governmental Forecasting and Accountability, says it is too early to say. "My guess is that the impact will be significantly different than the \$6.8 billion number, but I just don't know," Blair says. "It really is hard [to predict]. You do come up with some unexpected results occasionally, but we're not going to go from \$6.8 billion in costs to something like \$12 billion in savings. My guess is that we'll head more toward zero costs, but I just don't know yet if there would be any savings."

Even the commission's estimates will be based on a number of assumptions, though. "I guess the thing to remember when we are looking at this is that the outcome on what we've done depends not only on how much we put in the system and what we've done to the benefit structure, but it also depends on how that changes people's behavior. We can assume how they are going to react, but at the end of the day we are pretty much at the mercy of how our [retirement system] members behave. We have our best people making guesses of how behavior will change, but that's pretty hard."

J. Fred Giertz, a University of Illinois professor of economics and a longtime member of the university retirement board, says there are lots of ways to calculate the impact of legislation like this and come up with different answers. He says he doesn't know which number would prove to be correct, but says he doesn't think the cost will be as high as House Republicans have predicted.

"Even though I'm a proponent of funding the pensions and didn't think [the new law] was a good idea, I think

that the \$25 billion estimate is a little overblown," he says. "You have to really look at the cost in present value terms."

Regardless of what the state ends up saving or owing in 2045, there are more immediate concerns facing Illinois, namely what happens after fiscal year 2007 ends and pension payments begin to rise steeply again.

"It's more of a problem for the state budget than it is for the pension systems themselves because they've put off the day of reckoning," Giertz says. "Because all that underfunding is going to come due, and it's going to come due fairly quickly."

Hacking says the new pension law provided only temporary relief for state budget makers, "but the systems' financial crisis is out there, and it still needs to be addressed."

"I think the [fiscal year] 2008 budget cycle is going to be very difficult because they are going to have the same menu of choices. They are either going to have to increase taxes and dedicate a good deal of the revenue for pension funding, or they're going to have to dramatically slash spending. The third option is another pension contribution holiday, which just makes matters worse."

The size of the state's required pension payment is expected to double between 2006 and 2008 and increase each year after that.

"The big question that nobody wants to answer here is: What are they going to do in 2008?" says Bob Knox, head of the state retirement systems for judges, lawmakers and state employees.

Some lawmakers are predicting the worst. "We're going to face the hugest tax increase since the 1970s, or we're going to go broke," predicts state Rep. Ron

Stephens, a Greenville Republican.

"Neither are good options. We have made a huge mistake in letting this pass."

Some opponents of the new law also fear a move to amend the state's constitutional guarantee of retirement benefits for its public employees.

Filan says both scenarios are unlikely. "I think the steps the governor has taken to pass these structural reforms will help us avoid exactly that," he says. "That could have very likely been in our future, but the reforms will help us to avoid that sometime in the near future."

He says the administration plans to continue pressing for additional benefit reforms that could save the state even more money. "We're still looking at any and all aspects of pension benefits for new employees. We've got to make this system affordable for the state so that retirees and employees can have confidence that their pensions will be funded."

While Illinois' problem is among the worst, this state isn't alone in facing significant public pension woes, says Sujit M. CanagaRetna, senior fiscal analyst with the Council of State Governments.

At a time when state budgets are tight and the Baby Boomer generation is rapidly nearing retirement, almost every state is grappling with unfunded pension liabilities, CanagaRetna says.

"States are definitely at a crossroads with their pension systems. It's a cumulative problem amounting to a fiscal tsunami for states." □

*Kate Clements is Statehouse bureau chief for The News-Gazette of Urbana-Champaign. A more detailed version of her pension funding analysis will appear in the Almanac of Illinois Politics — 2006, which will be published early next year.*

# Parched fields

The prolonged dry spell during the critical stage of the growing season left corn-producing farmers facing an agricultural disaster

Photographs by Stanley A. Changnon  
from the Illinois State Water Survey's *Climate Atlas of Illinois*

In Illinois, the most apt image of drought is not a dust-darkened horizon. Instead, it's a waist-high late July cornfield. In most years, that expanse of green would rise several feet beyond a farmer's head.

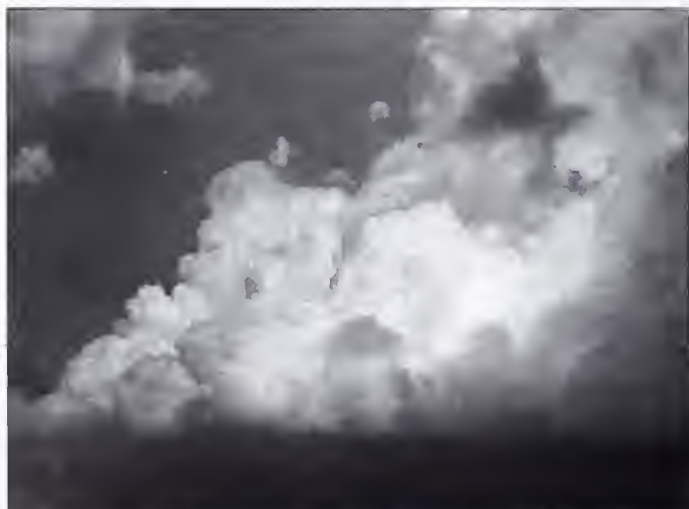
But this year in the last week of July, Gov. Rod Blagojevich stood unobstructed between rows of Will County corn as he described the state's need for federal assistance to respond to agricultural disaster.

From March until early August, nearly half as much rain fell on Illinois as usual — 8.5 inches less than what climatologists consider normal, says Illinois State Climatologist Jim Angel. The period from March to August was the fifth-driest in Illinois since 1900. That left the majority of the state in a condition classified as extreme drought during the critical growing season.

By the time the plentiful August rains came, drought had devastated Illinois'

corn crop. U.S. Secretary of Agriculture Mike Johanns had already declared that farmers throughout the state — with the exception of those in far-southern Alexander County — are eligible for loans and other types of federal assistance.

Earlier in the summer, to monitor the situation Blagojevich created a Drought Response Task Force including experts from the Illinois State Water Survey, the Illinois Emergency Management



*An afternoon thunderstorm develops over northern Illinois.*



*Plowing produces a trail of dust on the horizon.*





*Cumulonimbus clouds like this one developing over central Illinois produce thunderstorms that generate about half the state's precipitation.*

Agency, the water management division of the Department of Natural Resources and the departments of Agriculture and Public Health.

As of the first week in August, Galesburg in northwest Illinois was down nearly nine and a half inches of rain since May. It normally gets about 13 inches from May to early August. That's also what the Havana area in central Illinois usually receives, but it had gotten less than three and a half inches of rain from

May 1 through August 7.

The timing of the prolonged dry spell could hardly have been worse for growing corn in Illinois. July is when corn pollinates and sets the number of kernels. After that, rains only fill out what's there.

So for Illinois corn growers, August's showers came too late, though they produced in 19 days nearly a third of the rain that fell from March through July.

And perhaps worse for Illinois,

it's the only major corn and soybean producing state to be so dry at critical yield-determining days in the plants' growing cycles.

"Unlike our last major drought event in 1988 when everyone shared the misery," says Emerson Nafziger, agronomist at the University of Illinois at Urbana-Champaign, "Illinois is alone in its misery this year."

*The Editors*



*Prolonged drought dried up the basin of a small reservoir.*



*Occasional severe droughts helped produce tall grass prairies.*



# TRANSFORMATIONS

*The movement to ferry slaves northward  
drove the spread of physical and intellectual freedom*

by Aaron Chambers

## BOUND FOR CANAAN

*The Underground Railroad and the War for the Soul of America*

Fergus M. Bordewich

Amistad, an imprint of HarperCollins

2005

Chapman, a steamboat captain, was traveling from Cleveland to Buffalo when four men hailed him from a small boat. Two were white merchants he had met and the others were black strangers. One of the whites asked Chapman to take the blacks to Canada, where they would be free from slavery. The man tossed \$15 in silver to Chapman and asked him to dispense to the fugitives whatever remained after collecting his fee.

This was a common occurrence in the decades before the Civil War. The scene from *Bound for Canaan: The Underground Railroad and the War for the Soul of America*, a new book by Fergus M. Bordewich, depicts slaves on the run to Canada, where they would be beyond the reach of slave catchers whose legal jurisdiction covered the otherwise free states of the North. Along the way, the fugitives were aided by men and women, like those who enlisted Chapman. Acting in this way, local and loosely organized groups helped perhaps 100,000 slaves before the Civil War.

Bordewich tells us Chapman was conflicted by the encounter. The sight of the strangers in his boat didn't please him; he found them "very black, coarse in feature and build, stupid in expression, and apparently incapable of any mental excitement except fear." But Chapman also was a compassionate man. He dropped the men on the Canadian shore in the care of underground agents, gave them the entire \$15 and announced their freedom.

And he was stunned by what he saw. "They seemed to be transformed; a new light shone in their eyes, their tongues were loosed, they laughed and cried, prayed and sang praises, fell upon the ground and kissed it over and over."

Yet Chapman also was transformed. "I thought to myself, 'My God! Is it possible that human beings are kept in such a condition that they are made perfectly happy by being landed and left alone in a strange land with no human beings or habitations in sight, with the prospect of never seeing a friend or relative?' Before I stepped upon my deck I had determined to never again be identified with any party that sustained the system of slavery."

We find in the scene a dual theme of antebellum America: the spread of physical and intellectual freedom. While slaves resisted shackles and harsh punishment, and traversed great distances to reach free territory, the nation struggled amid the ignorance pervading the minds and institutions of that age.

In the modern age, where racial harmony continues to elude America, Bordewich unearths a history that's essential to understanding not only the Civil War, but also the failed Reconstruction that gave way to segregation and racism and the Civil Rights Movement that followed a century later.

Bordewich argues the Underground Railroad represented America's first racially integrated civil rights movement, and that it foreshadowed the one that

culminated in the 1960s.

"Modern-day racism's roots lie in the slavery era, and any attempt to seriously address race today must also take into account not only the slavery of the past, but also the commitment and sacrifices of other Americans, both black and white, to bring slavery to an end," he writes in the introduction to his book.

Bordewich, who also is author of *Killing the White Man's Indian*, a look at modern Native American tribal life, presents a comprehensive history of the Underground Railroad in the larger context of slavery and how that practice helped drive the nation to civil war. He demonstrates how anti-slavery sentiment evolved into abolitionism, and how that posture fed a secret network to transport slaves to freedom. He shows that the Underground Railroad, a movement romanticized alongside other chapters in the nation's history such as the Lewis and Clark expedition, was more complex and divisive than is commonly understood.

The revolutionary technology of locomotives, which coincided with the Underground Railroad's heyday, became a metaphor for the system that helped slaves vanish from the grasp of slaveholders. The volunteer stewards of this system were called stationmasters and conductors, while the beneficiaries were termed passengers.

These characters are at the core of *Bound for Canaan*, a collection of vignettes of the major players in the movement and, perhaps more important,



the lesser-known figures. Bordewich covers the classics — Harriet Tubman, Frederick Douglass, Nat Turner — and such folks as Isaac Hopper, who with other Quakers in Philadelphia created the first cell of underground abolitionists. Through the lens of their experiences, the book, whose title comes from a hymn — “I am bound for the land of Canaan” — gives a detailed picture of the underground and the age that framed it.

There’s Jonathan Walker, a ship captain who unsuccessfully tried to ferry slaves from the Deep South to the Bahamas. As part of his sentence, Walker’s hand was branded with the letters “SS,” for “slave stealer.” He became a hero among northern abolitionists.

There’s Josiah Henson, who was born a slave in Maryland and escaped in 1830 to Canada, where he founded a settlement for fugitive slaves. His life inspired Uncle Tom in Harriet Beecher Stowe’s *Uncle Tom’s Cabin*. Henson’s father was whipped 100 times by a blacksmith for attacking a slave overseer who assaulted Henson’s mother. After the lashing, he was propped to the whipping post, where his right ear was sliced off.

Another character in *Uncle Tom’s Cabin*, Eliza, was based on a woman whose name is not known but whose story Bordewich tells. She fled across the frozen Ohio River from Kentucky to Ohio while carrying an infant. The river was not completely frozen and, as she twice slipped into the water, she thrust the baby ahead of her onto the ice.

When she arrived in Ohio, she collapsed. There she met a slave catcher who regularly patrolled the riverbank for fugitive slaves. As he was preparing to seize her, the man heard the baby whimper. “Woman,” he told her, “you have won your freedom.” He directed her to the home of John Rankin, a Presbyterian minister who was a prominent leader of the Ohio underground. Rankin’s home sat atop a hill in Ripley, a lighthouse that guided fugitives from across the river.

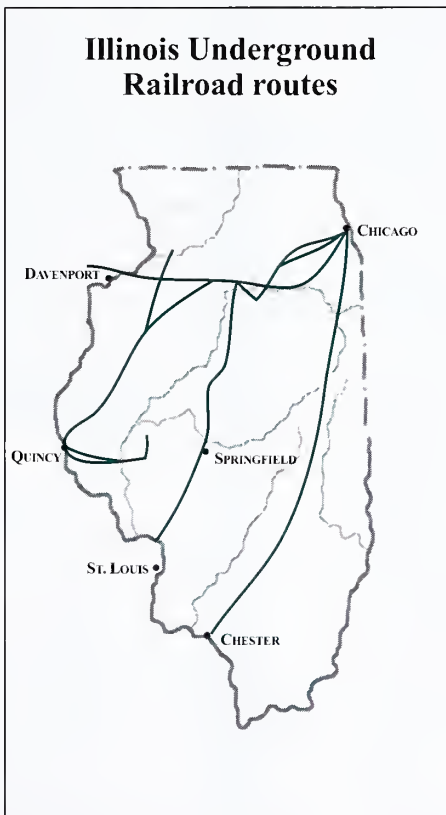
There’s also Levi Coffin, a key underground player, first in North Carolina, later in Indiana. Bordewich says such men did what their faith demanded of them.

“They were, after all, assuring their own salvation in a deeply pious era when

Judgment Day was an event as real as the annual spring planting and autumn harvest,” he writes. “That they would be judged for their actions, and for their sins, was beyond doubt or debate.”

In fact, Bordewich devotes a substantial portion of his book to a discussion of the role religion played in fueling the clandestine efforts of the underground. Coffin and other Quakers were instrumental. Pennsylvania Quakers developed the process of concealing fugitives in their homes and moving them to the next stations during the night.

But the attitudes of white underground leaders were often multidimensional.



Though they opposed slavery and went out of their way to help free slaves, they did not necessarily assign to blacks the intellectual qualities they assigned to whites. Or, as in the case of Coffin, they opposed interracial reproduction.

“He frequently cited the danger of racial miscegenation as an argument on behalf of abolition and against slavery, because, as he often pointed out, bondage led to the sexual exploitation of black slaves by their white masters,” Bordewich writes of Coffin. “Only free blacks, in other words, could be kept out of white people’s bedrooms.” As for Rankin, he did not strictly adhere to the

pacifist approach embraced by many of his contemporaries. Bordewich calls him “a bridge from the pacifist style of the early nineteenth century to the confrontational activism of mid-century.”

“The abolitionist movement and its driving wedge, the Underground Railroad, forces Americans to think in new ways about that history of compromise, to face its moral consequences, and to realize that all Americans were, in some sense, prisoners to slavery, and shackled to the fate of the slave,” Bordewich writes. “Without the confrontational activists of the underground, the abolitionist movement might never have become anything more than a vast lecture hall in which right-minded, white Americans could comfortably agree that slavery was evil.”

Perhaps more valuable is the attention Bordewich dedicates to black leaders such as Arnold Gragston. While remaining a slave, Gragston ferried hundreds of runaways across the Ohio River until 1863, when, fearing he would be caught, he became his own last passenger. There’s David Ruggles, who created the black underground in New York City, and who helped Douglass on his path to freedom. And there’s Jermain Loguen, a former slave who defied slave hunters by publishing his underground work in newspapers and who lectured on slavery throughout New York.

As the story unfolds, it reveals a concerted movement to change the foundation of beliefs upon which the nation stood. Bordewich calls the underground the greatest act of civil disobedience since the Revolutionary War. It’s the story of a social revolution, and the characters who made it happen. Through education and persuasion, even deception and violence, they helped change the nation’s values.

Two of the book’s central characters intersect with Illinois, though discussion of this state is generally limited.

Before Coffin moved from North Carolina to Indiana, he first explored Illinois, where he had relatives. But he returned home, “choosing commitment, obligation, duty, and a more complex and problematic future darkened by the spreading stain of slavery,” Bordewich writes.

Loguen, while a Tennessee slave,

imagined Illinois as a picture of freedom after hearing about it from a white boy who had been here with his family. After being assaulted by his master, who pounded a block of wood into his mouth in a drunken rage, Loguen set off for Illinois. He ended up in Indiana, and eventually traveled all the way to Canada.

Bordewich also mentions Elijah Lovejoy, an Alton newspaper publisher who was slain by a mob while defending his printing press. Lovejoy's newspaper, *The Observer*, railed against slavery, as did other Illinois newspapers, including the *Chicago Tribune*. Lovejoy had moved to Alton from St. Louis to escape opposition to his anti-slavery views. He was, as Bordewich puts it, the abolition movement's first white martyr.

Otherwise, *Bound for Canaan* contains little discussion of slavery and the underground in Illinois, which was sparsely populated and positioned on the frontier. Bordewich points out that southern Illinois was populated by pro-slavery folks from the South; he calls Illinois "by far the least welcoming" of the three then-free states that border the Ohio River — Illinois, Indiana and Ohio.

Yet he also writes that, by 1855, fugitives were so frequently riding trains through Illinois on their way north that the legislature considered whether to bar blacks from traveling on the train without certificates of freedom. The measure failed.

Illinois was admitted to the union as a free state in 1818. But, like other northern states, the nature of freedom for blacks was complicated. The state's first governor, Shadrach Bond, was a slave owner. He was among the pro-slavery forces who tried to convert Illinois into a slave state.

Edward Coles, the state's second governor, had been a wealthy slave owner in Virginia. But after arriving in Illinois, he freed his slaves and became an anti-slavery activist. In his inaugural address, he recommended the emancipation of slaves living in Illinois.

Other texts have more closely examined the Underground Railroad of Illinois, which typically was used by fugitives traveling northeast from the slave state of Missouri. In *The Underground Railroad in Illinois*, Glennette

Tilley Turner writes that the state's first underground stations may have been established in Bond County by a colony of abolitionists from Ohio. She writes in the 2001 book that the underground was active in Chicago, Galesburg, Quincy, Alton, Chester, Rock Island and Cairo.

In the April 2000 edition of *Historic Illinois*, a newsletter published by the Illinois Historic Preservation Agency, Underground Railroad scholar J. Terry Ransom writes that more than 300 Illinoisans may have helped fugitive slaves in their quests for freedom. However, Ransom points out that the state's "Black Laws" secured this state's title as a pathway — not a destination — for slaves seeking freedom. Those laws were designed to discourage free blacks from migrating to Illinois; they severely restricted the civil liberties of African Americans by, for instance, requiring them to produce certificates of freedom.

"Those who could not produce their freedom papers were considered run-away slaves," Ransom writes. "Any white person had the right — indeed the duty — to turn alleged runaways in to the local justice of the peace. Violators might be held for as much as a year, during which time [they] could be hired out to local whites."

Bordewich set out to study the Underground Railroad after years of pondering a legend passed down by his mother. She spoke of fugitives who had founded a neighborhood near the suburban New York community where he grew up, and how that stood as "proof of the power of individuals to defy justice." He traveled to Canada, where fugitive slaves had established multiple colonies. He recalls attempting to picture the men and women who made it there in the pursuit of freedom. In his book, published this year, Bordewich delivers their stories.

There's Henson, who escaped from bondage in Maryland after an encounter with freedom. His is a story of personal transformation, but also of the psychological dominance that masters held over their slaves. When Henson's master Isaac Riley came into financial trouble, he charged Henson with transporting 18 slaves, including Henson's own wife and four sons, to his brother's plantation in Kentucky to keep them away from creditors. As Henson and the slaves

passed Cincinnati on the Ohio River, they met free blacks who urged them to stay; the free blacks told Henson and his party they were fools to continue to Kentucky and surrender themselves again to slavery.

Henson was torn. "The duties of the slave to his master as appointed over him in the Lord, I had ever heard urged by ministers and religious men," he wrote later. "And now I felt the devil was getting the upper hand of me." Ultimately, he submitted to the will of his master, buttressed by his own vanity from having been praised as a strong and dutiful worker.

But Henson learned that the slaves sent to Kentucky, except for himself and his family, were to be sold. And his efforts to purchase his own freedom were unsuccessful.

"As he listened now to their 'groans and cries' he was overwhelmed by guilt, finally realizing how he had been responsible for keeping in slavery men and women who might otherwise have gone free," Bordewich writes, "and for now bringing about the same rending of husband from wife and mother from child that had wrecked his own family thirty years before."

Seven years after visiting Canada, where he stood on the site of the school that Henson founded, Bordewich presents his book as testimony to the struggle against slavery. It's dedicated to the millions of enslaved men and women "who prayed hopelessly for freedom that never came, as well as all those who had struck out for Canaan and failed, and were dragged back to auction blocks, or who died unmourned on wilderness trails, or from the gunshots of their pursuers."

For slaves who survived antebellum America, but who nonetheless failed to become successful passengers of the Underground Railroad, freedom coincided with the end of the underground: The underground evaporated as Union troops pushed south in the Civil War, absorbing pro-slavery territory. Onto the remaining slaves, the sphere of freedom was moved. □

Aaron Chambers, a former Statehouse bureau chief for Illinois Issues, writes for the Rockford Register Star.





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## Levine indicted in a second scam probe

Stuart Levine, a Highland Park businessman and former Teachers' Retirement System board trustee, has been indicted by federal prosecutors on charges of attempted extortion, solicitation of bribes, and mail and wire fraud. Prosecutors have accused him of using his role on the board to run a kickback scheme.

According to the U.S. attorney's office, Levine, with the assistance of co-defendant and Chicago attorney **Joseph Cari**, attempted to convince a Virginia investment firm to sign a sham contract. Prosecutors say Cari allegedly told attorneys for the investment firm "this is how things are done in Illinois."

Cari and another co-defendant, Highland Park attorney **Steven Loren**, agreed to cooperate with federal investigators, according to a prepared statement by Patrick Fitzgerald, United States Attorney for the Northern District of Illinois. Cari and Loren are expected to plead guilty to attempted extortion and a federal tax charge, respectively, according to Fitzgerald's office.

Levine, a major contributor to former Republican gubernatorial candidate Jim Ryan, also was accused by federal prosecutors in May of participating in a kickback scheme involving his role as a former member of the Illinois Health Facilities Planning Board.

## Former governor to get his day in court

Former Gov. **George Ryan**'s federal corruption trial is scheduled to begin September 15. Ryan was indicted in December 2003 on charges of racketeering conspiracy, making false statements, mail and tax fraud, and filing false income tax returns. Accusations by federal prosecutors stretch back to Ryan's tenure as secretary of state, which began in 1991. They are related to the ongoing Operation Safe Road investigation.



George Ryan

## NEW NATIONAL GOP TREASURER Illinois Republican leader urges resignation

**Robert Kjellander** was elected treasurer of the Republican National Committee, then within days The Associated Press reported that federal prosecutors had subpoenaed records related to \$4.5 million a Washington-based investment firm, The Carlyle Group, offered to pay him to get work with the Illinois Teachers' Retirement System. Kjellander, a Springfield lobbyist, headed President George W. Bush's campaign in three states.

Retirement officials "expressed concern about the amount of finders fees Carlyle offered Kjellander," according to the AP story.

Meanwhile, Illinois House Republican Leader **Tom Cross** says he thinks Kjellander should step down as Illinois' national GOP committeeman to ease negative attention on the party. Resigning would cost Kjellander his treasurer's post. "My concern is from a purely party standpoint," Cross says. "It's not personal at all. He's become a lightning rod and a punching bag for the Democratic Party." Cross said he didn't have enough information to judge whether Kjellander had done anything wrong, but "this is certainly a perception issue as we move forward." Kjellander told reporters he won't step down.

## APPOINTMENTS

**Sheila Simon**, originally tapped to fill a vacancy on the Illinois Gaming Board, has instead been named to the Illinois Arts Council. **Joe Moore Jr.** and **James Sullivan** have been appointed to the gaming board.

Simon, the daughter of the late U.S. Sen. Paul Simon, is a Carbondale City Council member. Gov. Rod Blagojevich had wanted to name Simon to the gaming board, but that move would have conflicted with a law preventing gaming board members from serving on another paid body.

Chicagoan Moore, a former vice president and manager of community relations for Shell Oil, runs a public relations company. Sullivan is a private practice attorney in Chicago and a former Cook County Circuit Court judge. He had also worked previously as an assistant Cook County state's attorney. If approved by the state Senate, Moore and Sullivan will serve three-year terms.

**Elmer Washington**, an emeritus Chicago State University chemistry professor, and **Addison Woodward Jr.**, an emeritus professor at Governors State University, will serve on the Illinois Board of Higher Education. Gov. Blagojevich made the appointments.

Washington, a Park Forest resident, is former president of the Chicago State Chapter of the University Professionals of Illinois and a former administrator on that campus. His administration posts included the vice presidency for research and development and the deanships of the College of Arts and Sciences and Natural Sciences and Mathematics.

Woodward, a Palos Park resident, is one of the faculty members who initiated collective bargaining at Governors State. He also served as an officer and negotiator of Local 3500 of the American Federation of Teachers and chaired the division of counseling and psychology at Governors State.

Washington replaces **Thomas Lamont**, who stepped down to become acting executive director of the Board of Higher Education. Woodward replaces **Jerry Blakemore**. The new board members' terms expire in January 2009.

**Randy Ramey**, stepson of former Senate President James "Pate" Philip, will fill an Illinois House seat left vacant by **John Millner**'s appointment to replace the retired state Sen. **Kay Wojcik**.

Ramey, selected by Republican leaders in his west suburban district, is a Wayne Township trustee and chairman of the township's Republican Party.

For updated news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>



## SHIFTS AT THE TOP

**John Harris**, who had been director of Chicago Mayor Richard Daley's Office of Budget and Management, is moving to Gov. Blagojevich's staff. He was hired to a new position — chief operating officer — and will replace **Lon Monk** as chief of staff, if that longtime Blagojevich adviser steps down to run a re-election campaign for the governor. Monk ran Blagojevich's campaign in 2002. As of late-August, the governor had yet to announce whether he will run again.

**James Wright** replaces **Z. Scott** as Blagojevich's inspector general. Wright had been inspector general of the Illinois State Toll Highway Authority. His appointment is subject to Senate approval. Wright has previously worked as a trial attorney for the tax division of the U.S. Department of Justice and as an assistant U.S. attorney in the U.S. Attorney's Office for the Northern District of Illinois. Scott returned in August to private practice as a partner in the Chicago law firm Mayer, Brown, Rowe & Maw LLP.

**Fernando Grillo**, secretary of the Illinois Department of Financial and Professional Regulation, resigned to return to the private sector. Blagojevich first hired Grillo in 2003 as director of the Department of Professional Regulation. Grillo became secretary of Financial and Professional Regulation a year later when that agency was created through the consolidation of five departments. A private practice attorney before joining the state, Grillo had also been vice president of finance for Samuel A. Ramirez and Co. Inc.

**Patrick Welch**, a former Democratic state senator from Peru, is now assistant director of the Illinois Department of Revenue. Welch, who was defeated in the 2004 campaign for re-election to the state Senate, had been working as a lobbyist until his appointment to revenue. A nonpracticing attorney, Welch had served on revenue-related committees in the legislature. His position at the Department of Revenue had been vacant for two years.

**Randy Dunn**, interim state superintendent of schools, agreed to take the job on a permanent basis until at least February 2007. Dunn, who has filled the vacancy left by Robert Schiller on an interim basis since September 2004, will continue his leave from Southern Illinois University Carbondale, where he is chair of the Department of Educational Administration and Higher Education. His salary will increase from \$115,000 a year to \$142,500 in October.

**Judy Erwin**, a former Democratic state representative from Chicago, has been named executive deputy director of the Illinois Board of Higher Education. Erwin, who spent a decade in the House, was a former chair of the House Higher Education Committee. She was the communications director for then-state Senate President Phil Rock.

**Gary Johnson**, a Chicago attorney, stepped into the presidency of the Chicago Historical Society in August. Johnson replaces **Lonnie Bunch**, who left the historical society to direct a new Washington, D.C., Smithsonian museum specializing in African-American history. Meanwhile, the historical society created a new position of executive vice president and chief historian. **Russell Lewis**, who had been acting president of the museum since Bunch announced his departure in March, was named to that post.



State School  
Superintendent  
Randy Dunn

## Big people on campus

**Don Randel**, president of the University of Chicago, will step down in July 2006 to take over leadership of the New York-based Andrew W. Mellon Foundation.

Randel, a musicologist who has edited Harvard dictionaries of music, has been president of U of C since 2000. He will succeed former Princeton University President William Bowen, who has been president of the Mellon Foundation since 1988. With \$5.3 billion in assets, the Mellon Foundation awarded \$186 million in grants in 2004. The foundation awards grants primarily in the categories of higher education and scholarship, libraries and scholarly communications, conservation and the environment, museums and art conservation and performing arts.

Before coming to U of C, Randel was provost of Cornell University in Ithaca, N.Y.



University of Chicago  
President Don Randel

## Honors

**Rich Bradley**, news director of WUIS public radio, received the 2005 Leo C. Lee award from Public Radio News Directors Inc. Previous recipients of the award, which recognizes professionals who "demonstrate a lasting commitment to public radio journalism and who exemplify the ideal, spirit, and passion of the profession," include National Public Radio's Carl Kassell, Ira Glass and Linda Wertheimer.

Bradley has been with the station since before its 1975 sign-on.

## BITS

### John Johnson

The founder and publisher of black-oriented *Ebony* and *Jet* magazines died August 8. The Chicagoan was 87.

Johnson in 1942 borrowed \$500 against his mother's furniture to establish the business he would build into the world's largest black-owned publishing company, according to Johnson Publishing Inc., which includes a cosmetics operation. *Ebony*, a general interest magazine aimed at blacks, has a circulation of about 1.8 million.

Johnson was also a catalyst in the Civil Rights Movement. It was *Jet*, his weekly black-focused news magazine, that created a sensation when in 1955 it published the open-coffin photograph of the battered corpse of Emmett Till, the 14-year-old Chicagoan murdered during a visit to Mississippi because he had whistled at a white woman.

In 1996, Johnson was awarded the Presidential Medal of Freedom and in 2003 Howard University in Washington, D.C., named its school of communications in his honor.

### Roger Sweet

The former director of the Illinois Department of Revenue died August 11. He was 61.

Sweet, a Springfield resident who was appointed director of revenue by Gov. James R. Thompson in 1987, also was a director of the Capital Development Board and head of traffic safety at the Illinois Department of Transportation. He also was chief of staff for then-Senate Minority Leader James "Pate" Philip.

## LETTERS

### Governor deserves credit for helping working families

In "Democrats trade ideals for adjournment and swap budget votes for pork projects" (see *Illinois Issues*, June, page 6), Pat Guinane accuses Gov. Rod Blagojevich of betraying Democratic voters' principles. Let's take a look at Gov. Blagojevich's record.

He raised the state minimum wage to \$6.50 an hour — something that helps families put food on the table and brings money to all of our communities. He extended health insurance for the first time to 74,000 working parents, with two-thirds of the tab to be picked up by the federal government.

He invested in our children by expanding the Illinois food program to tens of thousands of kids in child care and by expanding preschool education for 8,000 at-risk children. That's good for all of us; studies show that for every dollar spent on early education, taxpayers save \$17.

The governor deserves a lot of credit

for his hard work for working families, and I've rarely seen an elected official get less credit for what he's done. So let's give credit where it's due: Thank you, Gov. Blagojevich, for fighting for working families.

*Helen Miller  
President, Local 880  
Homecare and  
Childcare Union*

### Historical perspective in order concerning state pension systems

In the June issue three articles mentioned Republican objections to "robbing" the state pension systems to plug a budget deficit (see *Illinois Issues*, pages 6, 9 and 37).

The articles did not mention that the Republicans had worked this ploy in prior years when they held the power.

A little historical perspective is in order. Were there even earlier uses of this gambit?

*Eleanor Knight  
Lake Forest*



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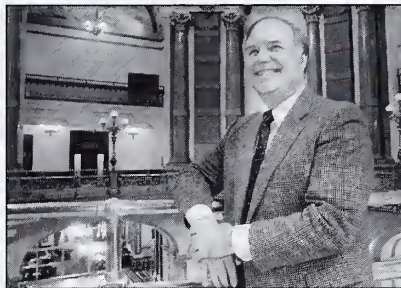
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Charles N. Wheeler III



## State charter took Illinois out of the horse-and-buggy era

by Charles N. Wheeler III

**T**hirty-five years ago this month, the Sixth Illinois Constitutional Convention finished crafting a document designed to bring state government out of the horse-and-buggy era and into the space age.

Meeting one final time in the historic chamber of the House of Representatives in the Old State Capitol in Springfield for a formal signing ceremony, this remarkable group of 116 men and women commended their handiwork to Illinois voters, who ratified it two and one-half months later.

In the ensuing years, events generally have shown the collective wisdom of the delegates, as the document they drafted after nine months of intense, sometimes heated, debate and study has provided a sound framework for Illinois government.

Because “finances are the very lifeblood of government,” as one Con-Con scholar wrote at the time, probably the most critical challenge the convention faced was laying the constitutional groundwork for a solid tax structure and good fiscal management.

More so than any other provisions of the 1870 document, its revenue article was seen as a cumbersome straightjacket, hampering efforts to bring modern financial practices to state government.

The century-old article reflected a state that was largely rural and agrarian; its framers assumed that most state funds would come from a property tax imposed on land, buildings, livestock, household

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goods and other visible signs of wealth, which were to be taxed uniformly based on value. To supplement property tax receipts, the General Assembly could tax certain occupations — among them, peddlers, hawkers, showmen, jugglers and innkeepers — and could impose franchise and privilege taxes.

Under the uniformity requirement, Cook County’s long-standing practice of assessing homes at a lower percentage of market value than business parcels was clearly impermissible, a conclusion the courts were careful to avoid reaching. And tax relief plans — such as removing the sales tax from food and medicine — were deemed unconstitutional and never pushed.

By the time Con-Con met, though, the property tax was but a memory as a source of state dollars, replaced by the sales tax in

1933 at the heart of the Great Depression. And less than a year before the convention, the legislature in 1969 enacted the income tax, now the state’s largest revenue source.

The old Constitution also strictly limited state borrowing by requiring referendum approval for debt in excess of \$250,000, reflecting the concerns of an earlier era about vast public works schemes that nearly bankrupted the state in the mid-19th century.

The provision did not stop state borrowing, of course. Instead, the limit encouraged governors and lawmakers to create supposedly independent entities that would borrow money to pay for needed facilities, then rent them to the state, a subterfuge that resulted in higher interest costs.

The 1870 charter lacked a finance section; instead, its relatively few provisions about fiscal management were added to the executive, legislative and education articles, and were more concerned with making sure state funds were used for proper purposes than in setting out a structure for budgeting and financial reporting.

Against this setting, the delegates produced revenue and finance articles that allowed for greater flexibility in taxation policy and provided clearer direction for budgeting and auditing.

More important, the final product embodied enough compromise on critical issues to secure ratification.

Thus, the 1970 revenue article provides that the corporate income tax rate cannot exceed the personal rate by more than an 8-to-5 ratio, the same proportion as the existing rates, and acceptable to those who wanted a graduated tax and those desiring the same rate for all taxpayers.

Cook County real estate can be assessed at differing levels for property tax purposes, a key provision to winning support of Chicago voters, but the highest rate can't be more than two-and-a-half times the lowest, and farmland can't be assessed at a higher rate than single family homes.

In addition, by allowing the legislature to provide exemptions and credits, the new article cleared the way for the sales tax break on food and medicine, worth some \$1.2 billion annually to consumers, as well as the income tax credit for property taxes paid, roughly a \$400 million savings for homeowners. Similarly, a variety of business-related tax breaks have been used to spur job creation and economic development over the years. In all, lawmakers have provided tax relief worth almost \$6 billion annually.

***Unlike its 1870 predecessor, the 1970 charter also sets out a fiscal process, calling for an annual budget proposed by the governor and appropriations approved by lawmakers, all within the estimate of available funds.***

The 1970 Constitution also relaxed state debt limitations, allowing bond sales with three-fifths legislative approval. Under those terms, the state has issued some \$32 billion in bonds, underwriting numerous highways, bridges, classrooms, prisons, sewage treatment plants, mass transit and other capital projects that would have been difficult to construct on a pay-as-you-go basis.

Moreover, state budget managers frequently have taken advantage of the 1970 document's short-term borrowing provisions, which allow bond sales within

a fiscal year, to meet cash flow needs early in a budget year, when revenues come in more slowly and spending is higher.

Unlike its 1870 predecessor, the 1970 charter also sets out a fiscal process, calling for an annual budget proposed by the governor and appropriations approved by lawmakers, all within the estimate of available funds. Delegates wisely required that budget bills can't include other subjects, thus precluding Congress' bad habit of tacking controversial issues onto essential spending bills.

While the provision would seem to require a balanced budget, in reality the state generally ends the fiscal year with more outstanding bills than cash in the bank to pay them. Not since FY 2001 has the state finished in the black; for FY05, the budgetary deficit is estimated at about \$320 million.

That reality aside, the Constitution's framers deserve plaudits for giving Illinois a solid fiscal foundation. □

*Charles N. Wheeler III is director of the Public Affairs Reporting program at the University of Illinois at Springfield.*

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**65 West Jackson Boulevard**

**11:30 a.m. registration and reception**  
**11:45 a.m. luncheon**  
**12:30-2:00 p.m. program**

**\$60 individual ticket**  
**\$450 table of eight**

**RSVP before September 23, 2005**  
**Reservations held at the door**

***For reservations  
return the response card  
in this issue or  
call 217/206-6084***



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